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# 2023 Sentencing Practices Report

Summary Statistics for Felony Cases

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**MINNESOTA**  
SENTENCING GUIDELINES COMMISSION

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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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# Executive Summary

Each year, the research staff of the Minnesota Sentencing Guidelines Commission (MSGC) completes an annual sentencing practices report highlighting information on felony cases sentenced in Minnesota. This report describes and summarizes patterns and trends in sentencing since the introduction of the Guidelines in 1980, with an emphasis on 2023 data.

## Data Highlights

- While the volume of felony cases has generally grown from 5,500 cases in 1981 to 16,028 cases in 2023, 2023's volume is down from 2017's record high of 18,288 cases. Most felony cases in Minnesota's district courts are settled without trials. In 2023, 3 percent of felony convictions were obtained with a trial.
- In 2023, the Guidelines recommended prison in a record-high 39.7 percent of cases compared to the actual prison rate of 25.2 percent. The difference between these two rates, 14.6 percentage points, has grown over time.
- 2023 saw the lowest rate of stays of imposition at 28.9 percent. Stays of imposition were once the more popular method of granting a stayed sentence.
- The departure rate—the rate at which the Guidelines' recommendations were not followed—has increased over time and has never been higher than the 30 percent seen in 2023. In the 1980s, the rates were below 20 percent.
- The length of the average executed prison sentence reached a record-long 55.9 months in 2023.
- In 2023, some offenses received downward dispositional departures (probation when the Guidelines recommend prison) at higher rates than typical. These offenses include second-degree assault, failure to register as a predatory offender, and felony DWI. For these offenses, most prosecutors either agreed to, or did not object to, the departure.
- The racial and ethnic composition of people in Minnesota has changed since 1981, when 82 percent of people sentenced were White. In 2023, 52 percent of people sentenced were White. Although the 2023 Black or African American population made up 7.3 percent of Minnesota's adult population, it made up 29 percent of people sentenced; and while the American Indian population was 1.6 percent of the state's adult population, it made up 9.2 percent of people sentenced.
- In 2023, the downward dispositional departure rate was highest for the White population (44%) and for females (58%). Among executed prison sentences, the downward durational departure rate (less prison time than the Guidelines recommended) was highest for the Black or African American population (26%) and lowest for the White population (14%).
- Downward dispositional departures varied across the state in 2023—from a low of 29 percent in the 5th Judicial District (includes Mankato) to a high of 48 percent in the 2nd Judicial District (includes St. Paul). Among executed prison sentences, the downward durational departure rate ranged from a low of 5 percent in the 3rd Judicial District to a high of 37 percent in the 2nd Judicial District.

## Background

Minnesota adopted a sentencing guidelines system effective May 1, 1980, 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, given that person's conviction offense and criminal record. The system is intended to ensure that those convicted of serious crimes, particularly crimes against persons, or with lengthy criminal records are sentenced to prison.

The goals of the Minnesota Sentencing Guidelines are:

- To better assure **public safety**.
- To ensure sentencing is **neutral** with respect to the race, gender, social, or economic status of convicted felons.
- To promote **uniformity** in sentencing so that those 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. Those 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.

One of the Commission's primary duties is to serve as a clearinghouse and information center for sentencing-practices data. The Commission created a monitoring system to capture such information. This monitoring system includes data on everyone convicted of a felony in adult court and sentenced under the Guidelines, as provided by probation officers and the courts. MSGC staff processes, cleans, and analyzes the data.

The following pages display summary data about sentencing practices and case volume and distribution. A "case" includes data from a sentencing worksheet that is matched with sentencing data received from the 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 monitoring data.

As you read this report, keep in mind that these are descriptive statistics that describe and summarize patterns in the data. There is no discussion about the cause. Also, be aware of the effect of differences in offense severity and criminal history when evaluating and comparing sentencing practices. This is particularly important when comparing cases by factors such as gender, race and ethnicity, and judicial district. For example, if in a particular district the proportion of serious person offenses is higher, the imprisonment rate for that district will likely be higher than for districts with predominantly lower-severity offenses.

## About the Guidelines

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The Minnesota Sentencing Guidelines apply to all felony sentences except life sentences. The recommended sentence under the Guidelines is based, first, on the severity of the offense and, second, on criminal history. These are depicted on a grid structure. (See appendices 3, 4, & 5, on pp. 103–105, for Minnesota’s sentencing grids.) The vertical axis represents the severity of the offense, with less severe offenses on the bottom and more severe offenses on the top. The horizontal axis represents the defendant’s criminal history and includes points for: weighted prior felony sentences; some prior misdemeanor and gross misdemeanor sentences; limited prior serious juvenile offenses; and “custody status”—offenses committed while under custody status as defined by confinement or community supervision.

The recommended Guidelines sentence is called the “presumptive sentence” and is generally found in the cell of the grid where the criminal history score and severity level intersect. This “presumptive sentence” recommends whether the defendant should receive a non-prison (stayed) sentence or a prison sentence (commitment to the Commissioner of Corrections). It also provides a recommendation on the duration of this sentence which are the numbers in the cells of the grid that give a recommendation for the prison sentence length in months. A “departure” is a pronounced sentence by the court other than that recommended by the Guidelines. There are primarily two types of departures, dispositional and durational. A “dispositional departure” occurs when the Guidelines recommended a non-prison (stayed) sentence, but the court pronounced an executed prison sentence (upward or aggravated); or when the Guidelines recommended an executed prison sentence, but the court pronounced a stayed sentence (downward or mitigated). A “durational departure” occurs when the court orders a sentence with a duration that is either more than 20 percent longer than the presumptive fixed duration (upward or aggravated), or more than 15 percent shorter than the fixed duration (downward or mitigated). Because the presumptive sentence is based on “the typical case,” a departure from a case that is not typical can help enhance proportionality in the Guidelines. When there is a departure, the court must articulate substantial and compelling reasons for the departure on the record.

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 often is agreement or acceptance among all actors that the sentence is appropriate.

## Changes to the Sentencing Grid Over Time

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The Guidelines have been modified to increase or decrease penalties, incorporate new or reranked felony offenses, and other policy changes. The following changes should be noted when evaluating sentencing information over time:

1978	Minnesota creates the nation's first sentencing guidelines commission.
1980	Minnesota becomes the first state to implement a sentencing guidelines structure.
1986	Stays of imposition are incorporated into the criminal history score calculation as a felony, even after the stay of imposition has been successfully served.
1989	Presumptive durations at severity levels 7–10 are increased significantly—doubled, in some cases—and a weighting scheme is implemented for prior felonies. Previously, prior felonies, regardless of severity, had been given one point in the criminal history score.
1997	A package of changes, which increase sentences in some cells and decrease sentences in other cells at severity levels 2–6, goes into effect.
2002	Felony Driving While Impaired (DWI) takes effect. A new Severity Level 7 is created, with higher severity levels renumbered accordingly.
2005	In response to a judicial requirement that a jury find aggravating factors, grid ranges are 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.
2006	A separate Sex Offender Grid is introduced with severity levels H–A. More severe policies are adopted for repeat sex offenders including an enhanced weighting scheme for prior sex offenses and the possibility of a second custody status point.
2016	A separate Drug Offender Grid is introduced with severity levels D1–D9.
2019	Changes to the criminal history score, intended to improve fairness and rationality, are made. The custody status point becomes waivable in certain circumstances. A sentencing enhancement for repeat severe violent offenders is added.
2020	A five-year presumptive probation cap, subject to departure, is established for most felonies. In 2023, the cap is removed in response to the Legislature’s enactment of a similar cap in law.
2021	Severity Level H is renamed Severity Level I to accommodate a new Severity Level H on the Sex Offender Grid.

# Data for Felony Cases Sentenced

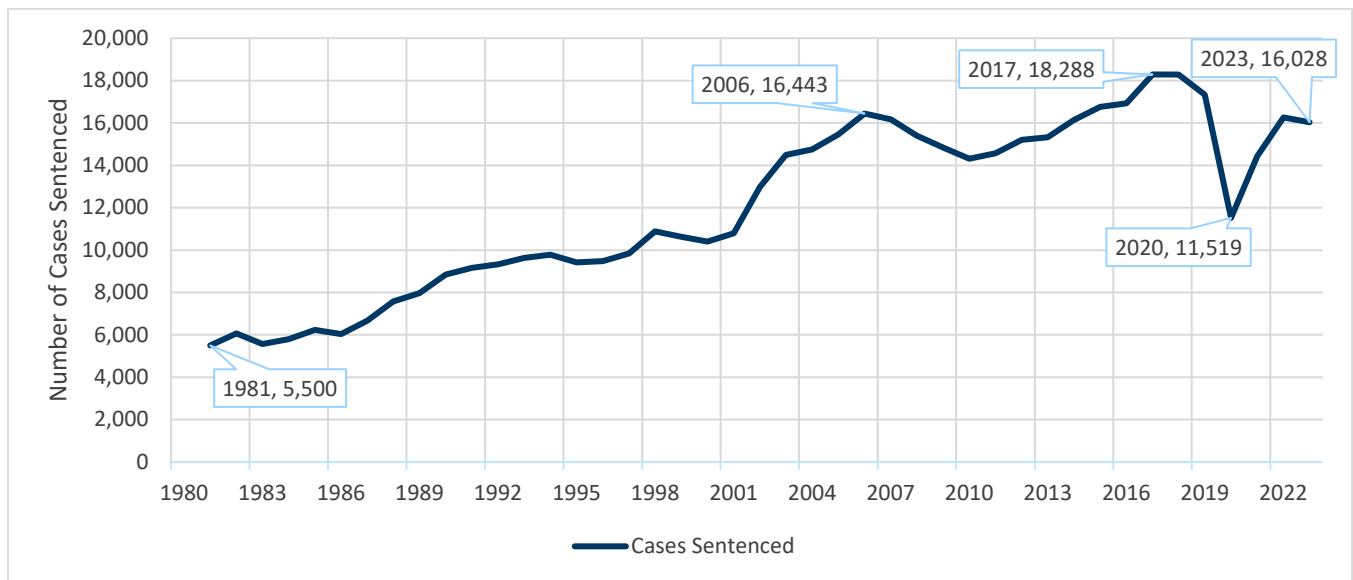
The felony cases sentenced section includes information about felony case volume and offense type, the distribution of cases by demographics, felony incarceration rates, and the durations of average pronounced felony sentences.

## Felony Case Volume and Offense Type

### Felony Case Volume

Since Minnesota adopted the Guidelines in 1981, the number of felony cases sentenced annually has generally grown – from 5,500 cases in 1981 to 16,028 cases in 2023 (Figure 1) – although that number was down from 2017’s record high of 18,288 cases.<sup>1</sup>

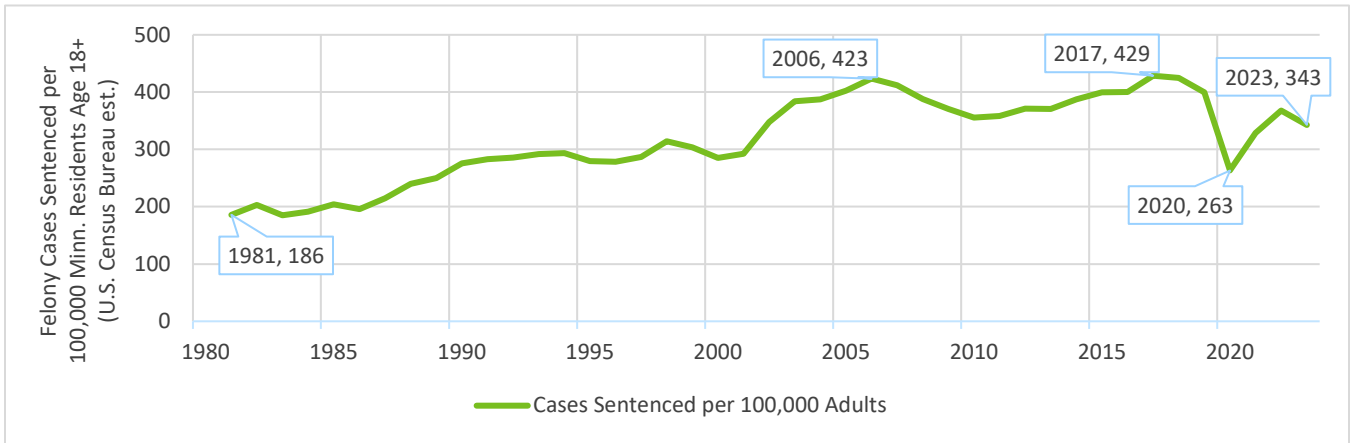
Figure 1. Number of Cases Sentenced for Felony Convictions, 1981–2023



While Minnesota’s population also rose during the decades shown in Figure 1, that rise does not account for the entire increase in felony sentences seen. As Figure 2 illustrates, growth in felony cases is still observable after adjusting for population increases. Per 100,000 adult Minnesotans, 186 felony cases were sentenced in 1981 compared to 342 cases in 2023 (Figure 2).

<sup>1</sup> There was significant growth in cases between 2001 and 2006, when the total volume of cases sentenced rose by 52 percent. This 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.

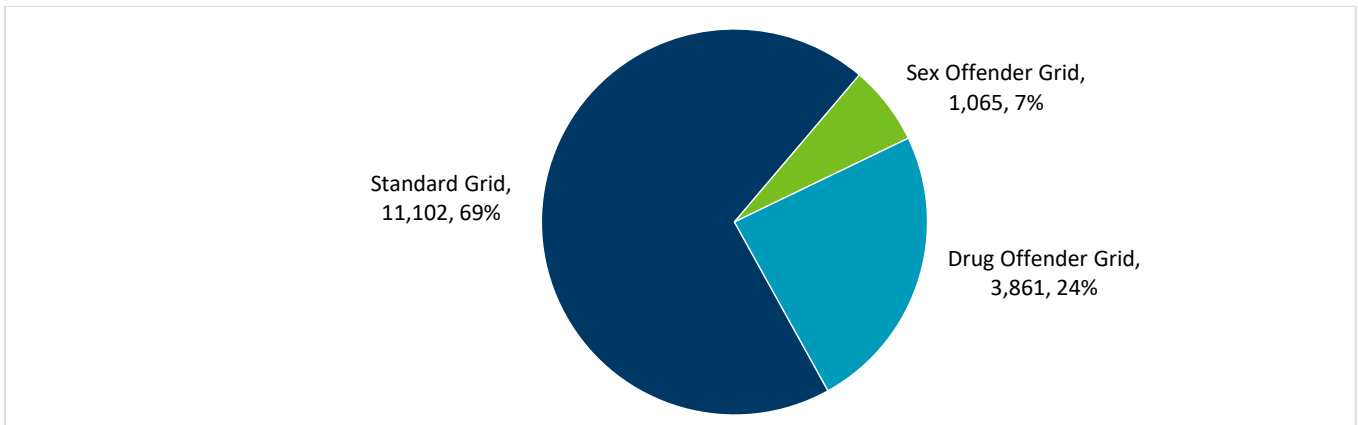
Figure 2. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2023



### Volume of Felony Cases by Grid

The Sentencing Guidelines use three grids for sentencing: one for standard offenses, one for sex offenses, and one for drug offenses. The volume of cases differs between them. In 2023, 69 percent of cases sentenced were on the standard grid, 24 percent were on the drug offender grid and 7 percent were from the sex offender grid (Figure 3).

Figure 3. Percent of Cases Sentenced for Felony Convictions by Grid, 2023



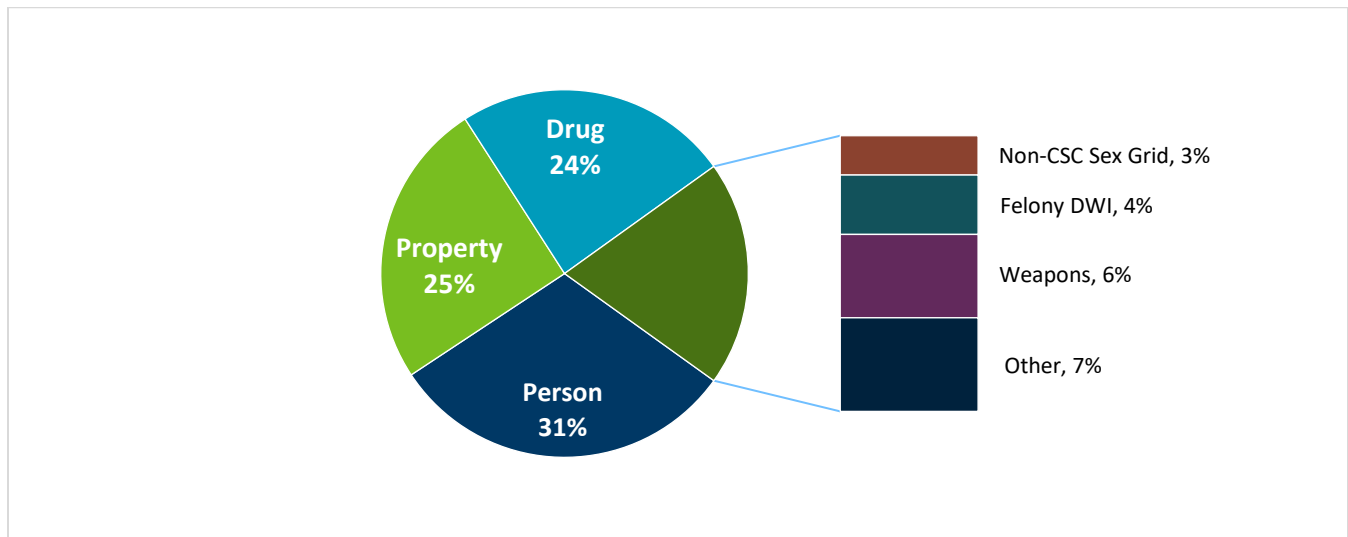
## Volume of Felony Cases by Offense Type

Felony cases involve a broad range of crimes that can be grouped into seven offense types illustrated in the list below. In 2023, person offenses, property offenses, and drug offenses (in bold) totaled 80 percent of case volume. Generally, these totals hover around 80 to 85 percent of each year’s case volume:

- **Person offenses** (including criminal sexual conduct (CSC));
- **Property offenses;**
- **Drug offenses;**
- Felony driving while impaired (DWI);
- Non-CSC sex offenses;<sup>2</sup>
- Weapon offenses;<sup>3</sup> and  
Other offenses.<sup>4</sup>

Figure 4 illustrates the volume of cases sentenced in 2023 by offense type. With 31 percent of the total case volume, the person-offense category was the largest, followed by property offenses (25 percent), and drug cases (24 percent).

Figure 4. Cases Sentenced for Felony Convictions by Offense Type, 2023



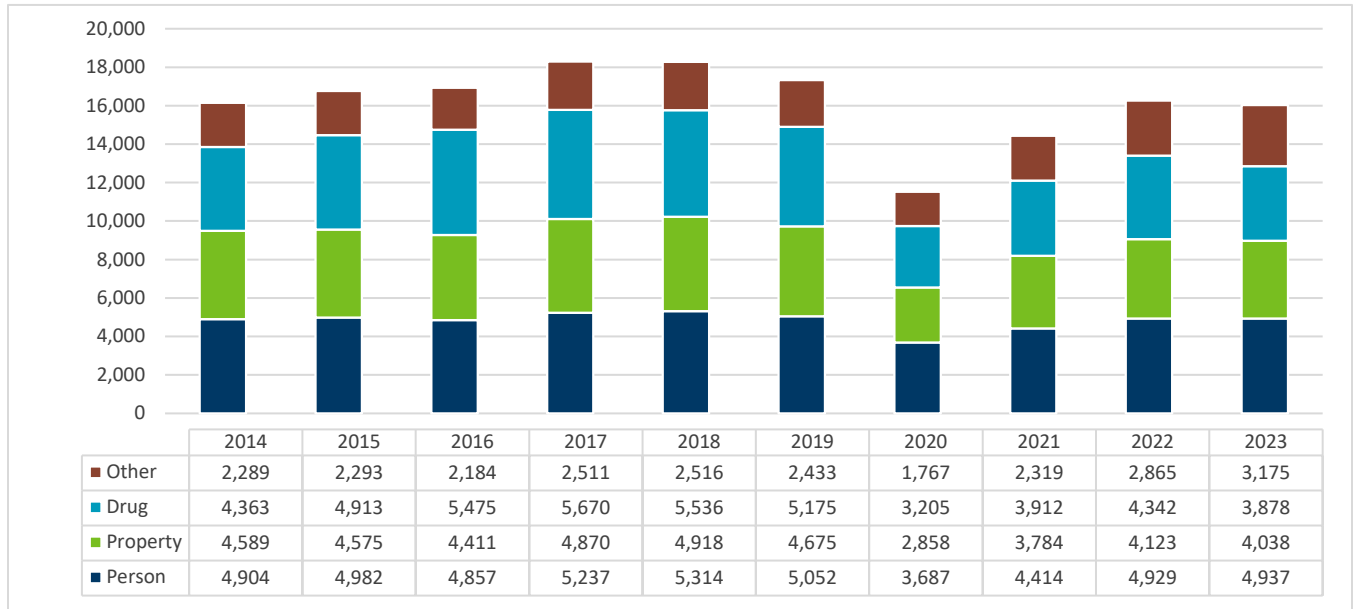
<sup>2</sup> “Non-CSC sex offenses” are offenses on the sex offense grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

<sup>3</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>4</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 highlights the distribution of felony cases by offense type over the last decade.

Figure 5. Number of Cases Sentenced for Felony Convictions by Offense Type, 2014–2023



### Person Offenses

The volume of person offenses peaked in 2018 at 5,314 cases. In 2023, there were 4,937 person offense cases which made up the largest percent of all cases at 31 percent. Person offenses include a broad range of offenses, from murder to criminal vehicular injury to prostitution. The largest subcategories of person offenses are criminal sexual conduct, domestic assault-related offenses, and assaults in the first through fifth degree.

The following discussion details the largest three subcategories of person offenses.

- *Criminal Sexual Conduct (CSC)*

In 2023, there were 562 CSC cases, which represented 11 percent of person offenses. The number of CSC cases has fluctuated over time. In most years since 2013, the number of CSC cases has ranged from the mid-400s to the upper-500s.

- *Domestic Assault & Assault-Related*

Much of the growth in person offenses over time has been attributable to an increase in domestic assault-related cases, including domestic assault, domestic assault by strangulation, and violations of restraining orders such as domestic abuse no contact orders (DANCO), violations of harassment restraining orders (HRO), and orders for protection (OFP). This growth was, in part, due to 2006 legislative changes removing the requirement that a prior offense must be against the same victim, expanding the look-back period to 10

years, and expanding the list of qualified priors.<sup>5</sup> In 2023, 32 percent of person offenses fell into this category.

- *Assaults in the 1st – 5th Degree*

First- through (felony) fifth-degree assault cases made up 21 percent of person offenses in 2023. Assault offenses vary greatly within this subcategory. First-degree assault generally requires great bodily harm; second-degree requires a dangerous weapon; third-degree requires substantial bodily harm; most forms of felony fourth-degree assault are defined by the occupation of the victim (first responders, correctional officers, and justice-system employees); and felony fifth-degree requires two prior convictions for assault or an assault-related offense within a specified time period.

### *Property Offenses*

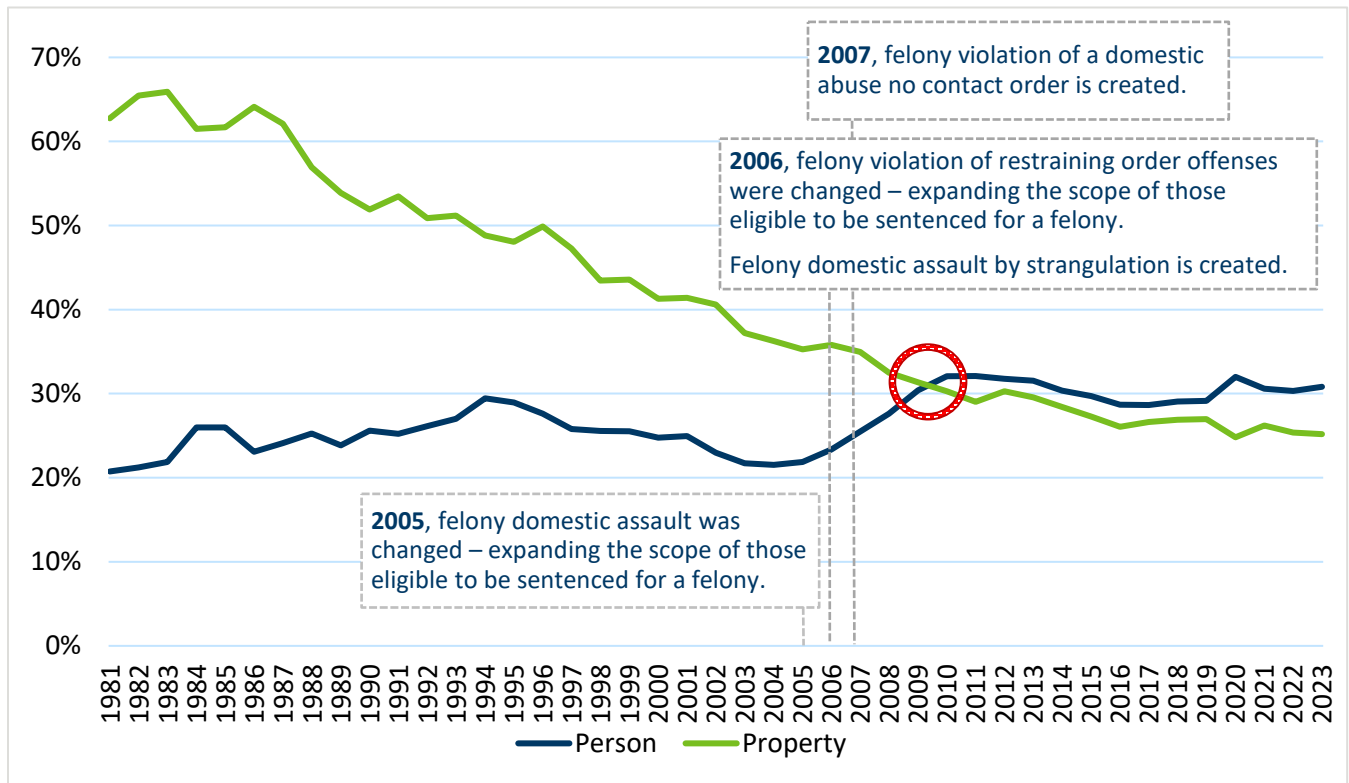
Property offenses made up 25 percent of the cases in 2023. The property offense category has declined in most years since 2006, when it made up 36 percent of all cases.

Between 1981 and 2009, property offenses made up the largest percentage of cases sentenced. However, in 2010, person offenses surpassed property offenses as having the largest percentage of cases. This change corresponded with several changes to domestic assault-related laws (*Figure 5*).

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<sup>5</sup> [2006 Minn. Laws ch. 260, art. 1, §§ 12 & 19.](#)

Figure 5. Percent of Cases Sentenced for Person or Property Offenses, 1981–2023



### Drug Offenses

In 2023, drug offenses made up the third largest percent of felony cases at 24 percent. Drug offenses were the largest offense category by volume from 2016 through 2019.

### Felony DWI

The number of felony DWI cases peaked in 2004 at 860 and has declined most years since. In the five years between 2013 and 2017, the numbers fluctuated sharply, possibly in connection with the timing of legal challenges to DWI laws and evidence-collection practices.<sup>6</sup> In 2023, there were 684 felony-DWI cases.

### Non-CSC Sex Offenses

Non-CSC sex offenses are included on the sex offender grid, but they are not criminal sexual conduct offenses. They are mostly failure to register as a predatory offender and possession and dissemination of child pornography. There were 453 of these cases in 2023.

<sup>6</sup> In 2015, Minnesota’s Supreme Court said that it was constitutional to obtain a breath test without a warrant (*State v. Bernard*, 859 N.W.2d 762 (Minn. 2015)). In 2016, the Court said law enforcement could only obtain samples of a person’s blood or urine with a warrant (*State v. Thompson*, 886 N.W.2d 224 (Minn. 2016)).

### *Weapon Offenses*

There were 960 weapon offenses in 2023. Ineligible felon in possession of a firearm or ammunition accounted for 78 percent of all weapon offenses.

### *Other Offenses*

Most of these cases were fleeing a peace officer (which increased to 871 cases in 2023), escape, tax offenses, aiding an offender – accomplice after the fact, and aiding an offender to avoid arrest.

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

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As referenced earlier in this report, one of the goals of the Guidelines is to ensure sentencing is neutral with respect to race, gender, social, or economic status. While specific data about social and economic status is not currently maintained in the MSGC monitoring system, there is information about race/ethnicity, sex, and judicial district (which is used as a proxy for geography). This demographic data is presented throughout the report.

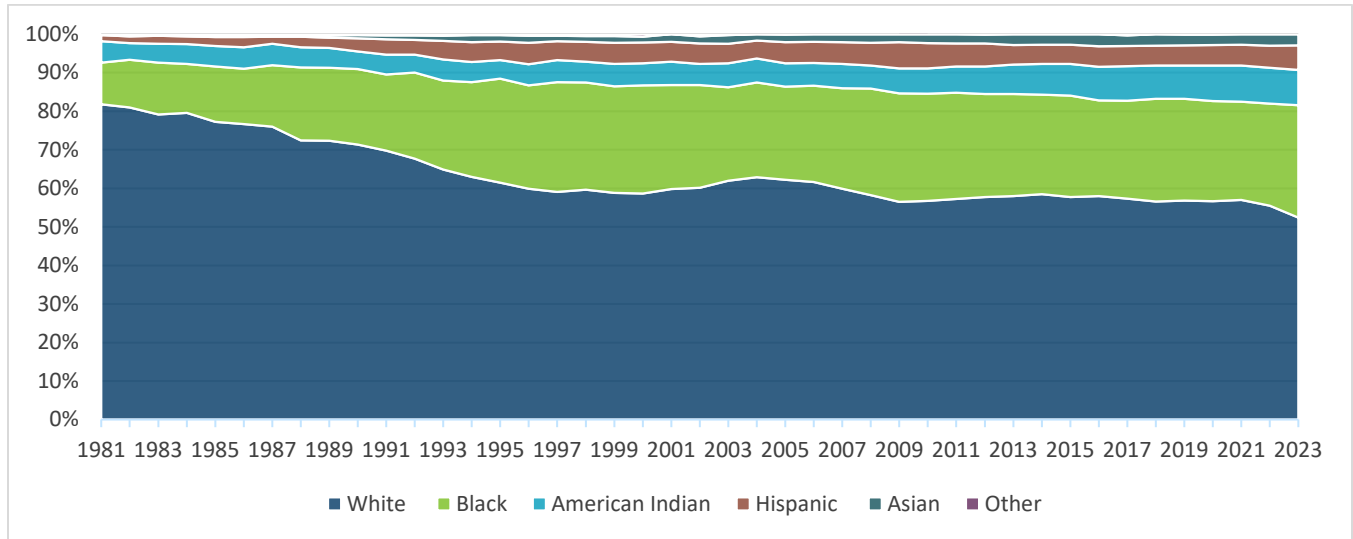
### *Sex*

Since the implementation of the Guidelines in 1981, males have comprised at least 80 percent of those sentenced for felonies each year (Table 7, p. 49). In 2023, 81.2 percent of those sentenced were male, and 18.8 percent were female. In comparison, 50.2 percent of Minnesota’s 2022 adult population were female and 49.8 percent were male.

### *Race/Ethnicity*

The racial/ethnic composition of individuals sentenced has changed over time (Figure 6). The share of individuals sentenced who are White has decreased by 30 percentage points since 1981 (from 82% to 52%), while the share of those who are Black has increased by 18 percentage points (from 11% to 29%). There has also been an increase in the other racial categories: the American Indian group saw a 4 percentage-point increase, the Hispanic group saw a 5 percentage-point increase, and the Asian group saw a 3 percentage-point increase.

Figure 6. Distribution of Cases by Race/Ethnicity, 1981–2023



While the Black or African American population made up 7.3 percent of Minnesota’s adult population, it made up 29.2 percent of those sentenced in 2023; and while the American Indian population was 1.6 percent of the state’s adult population, it made up 9.2 percent of people sentenced. The 9th Judicial District (includes Bemidji) accounted for 6.1 percent of Minnesota’s adult population but 10.7 percent of the people sentenced. See Table 1 for more information.

Table 1. Cases Sentenced, 2023, by Sex, Race/Ethnicity, and Judicial District, compared to 2023 Estimated Adult Population

	MSGC Category	People Sentenced in 2023		U.S. Census Category	2023 Estimated Adult Population		People Sentenced per 100,000
		Number	Percent		Number	Percent	
	Male	13,017	81.2	Male	2,210,490	49.8	589
	Female	3,007	18.8	Female	2,226,491	50.2	135
Race & Ethnicity	White	8,397	52.4	White*	3,632,563	81.9	231
	Black	4,673	29.2	Black or African American*	322,930	7.3	1,447
	American Indian	1,468	9.2	American Indian*	68,788	1.6	2,134
	Hispanic**	1021	6.4	Hispanic**	240,040	5.4	425
	Asian	464	2.9	Asian/Pacific Islander*	253,216	5.7	183
	Other/Unknown	1	0.0	--	--	--	--
Judicial District	First	1,993	12.4	First	636,272	14.5	311
	Second	1,761	11.0	Second	413,897	9.3	425
	Third	1,086	6.8	Third	380,656	8.6	285
	Fourth	2,890	18.0	Fourth	991,808	22.3	292
	Fifth	891	5.6	Fifth	224,508	5.0	398
	Sixth	708	4.4	Sixth	205,316	4.6	343
	Seventh	1,796	11.2	Seventh	387,110	8.7	463
	Eighth	546	3.4	Eighth	124,543	2.8	441
	Ninth	1,715	10.7	Ninth	268,217	6.1	639
	Tenth	2,642	16.5	Tenth	790,695	18.0	330
	<b>Total</b>	<b>16,028</b>	<b>100.0%</b>	<b>Total</b>	<b>4,436,981</b>	<b>100.0%</b>	<b>361</b>

Source of July 1, 2023, population estimate: U.S. Census Bureau (Nov. 2024).

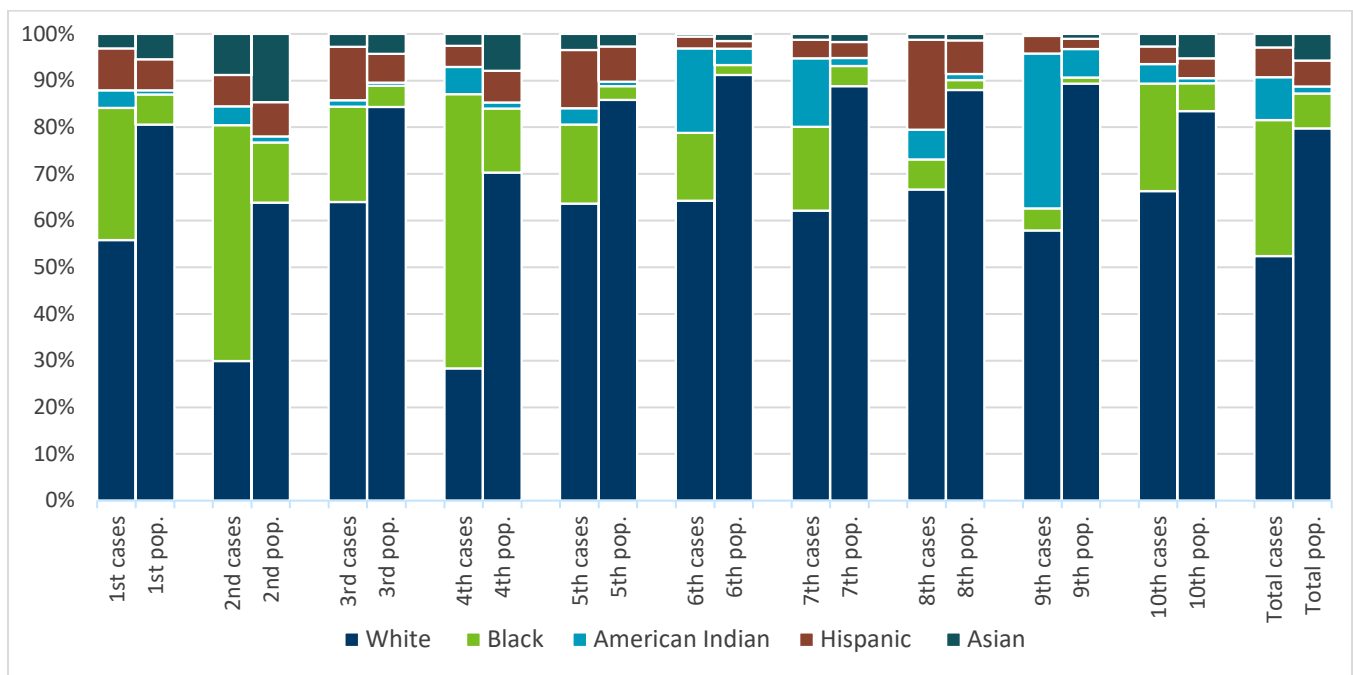
\*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.8%) because residents of more than one race are counted in more than one category.

\*\*This table lists all Hispanic people as Hispanic, regardless of race.

### Race/Ethnicity and Judicial District

Figure 7 displays the distribution of the racial or ethnic composition of those sentenced in 2023 by Minnesota judicial district, with the racial or ethnic composition of each district’s residential population shown for comparison. In the 2nd Judicial District (includes St. Paul) and the 4th Judicial District (includes Minneapolis), the majority of those sentenced were non-White. The American Indian population in the 6th and 9th districts was 4 and 6 percent, respectively. By contrast, this group accounted for 18 percent of cases in the 6th District (includes Duluth) and 33 percent in the 9th District (includes Bemidji). In the 8th District (includes Willmar), the Hispanic population was 7 percent, whereas the Hispanic felony cases made up 19 percent of sentences there.

Figure 7. Distribution of Cases and Population by Race and Judicial District, 2023



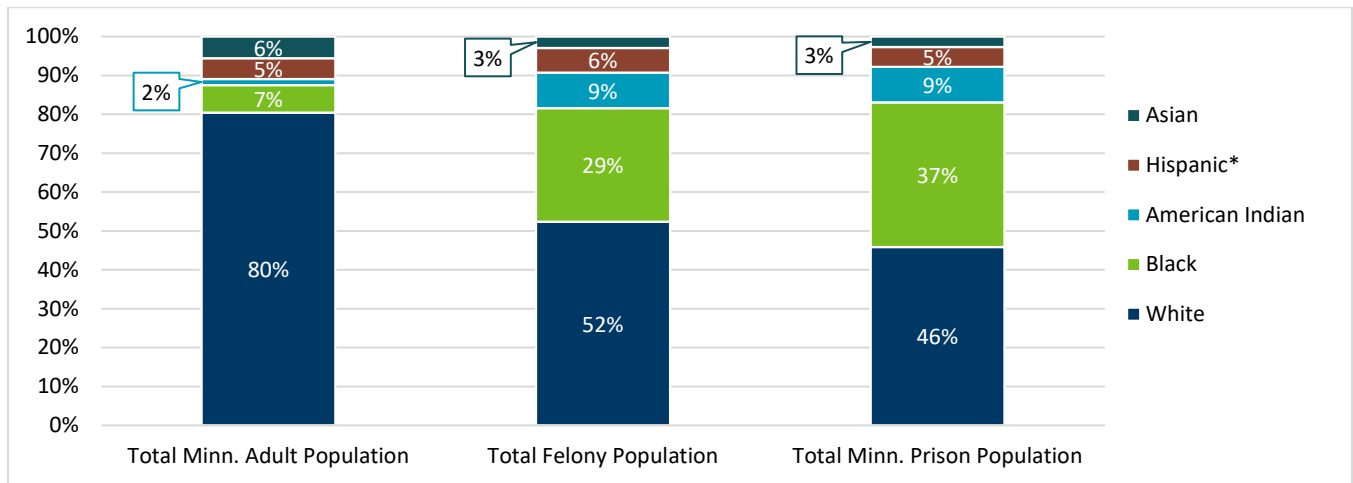
Residential population age 15 or older as of July 1, 2023, as estimated by the U.S. Census Bureau (Nov. 2024). The sums of the residential population percentages exceed 100 percent (101.8%) because, except for Hispanic residents, residents of more than one race are counted in more than one category, although the figure displays them as if they totaled 100 percent.

## Felony Incarceration Rates

The Guidelines recommend who should go to a state prison, and for how long, based on the severity of the offense and certain criminal history factors. This recommendation is known as the “presumptive sentence.” When the Guidelines recommend a state prison sentence, it is called a “presumptive commitment” or “presumptive prison.” When the Guidelines recommend a non-prison sentence, it is called a “presumptive stayed sentence.” When a defendant goes to a state prison, it is called an “pronounced prison sentence.” When a defendant does not go to prison, it is called a “pronounced stayed sentence,” and the judge usually places the defendant on probation. As a condition of probation, the judge may impose up to 364 days of confinement to be served in their community. Probationers usually serve some time in a local correctional facility and are often given other intermediate sanctions such as treatment (residential or nonresidential), restitution, electronic monitoring, and/or fines.

Figure 8 highlights the differences between the racial distributions in 2023 of Minnesota’s adult residents compared to people sentenced for felonies and people in prison. This figure does not include time served in a local correctional facility.

Figure 8. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2023



\*This figure lists all Hispanic people as Hispanic, regardless of race.

Source of July 1, 2023, population estimate: U.S. Census Bureau (Nov. 2024). Source of July 1, 2023, adult inmate population: Minn. Department of Corrections. For the Census Bureau estimate, the sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.8%) because non-Hispanic residents of more than one race are counted in more than one category, although the figure displays them as if they totaled 100 percent.

## Total Incarceration

The total incarceration rate is the percentage of felony cases in which the sentence included imprisonment in a state correctional facility (“prison”) or post-sentence confinement in a local correctional facility, such as a county jail or workhouse. As seen in Figure 9, the total incarceration rate has varied over time with a low of 63 percent in 1982 to a high of 93 percent in 2013. In 2023, the total incarceration rate was 86.2 percent.

Figure 9. Prison & Conditional Confinement Rates, 1982–2023

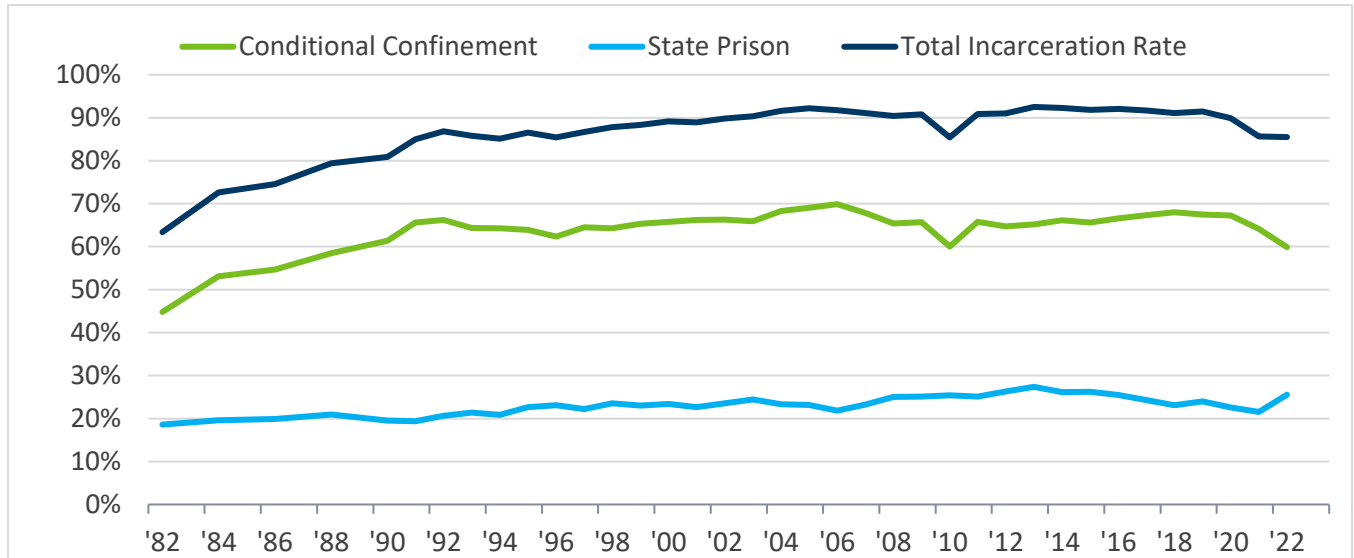
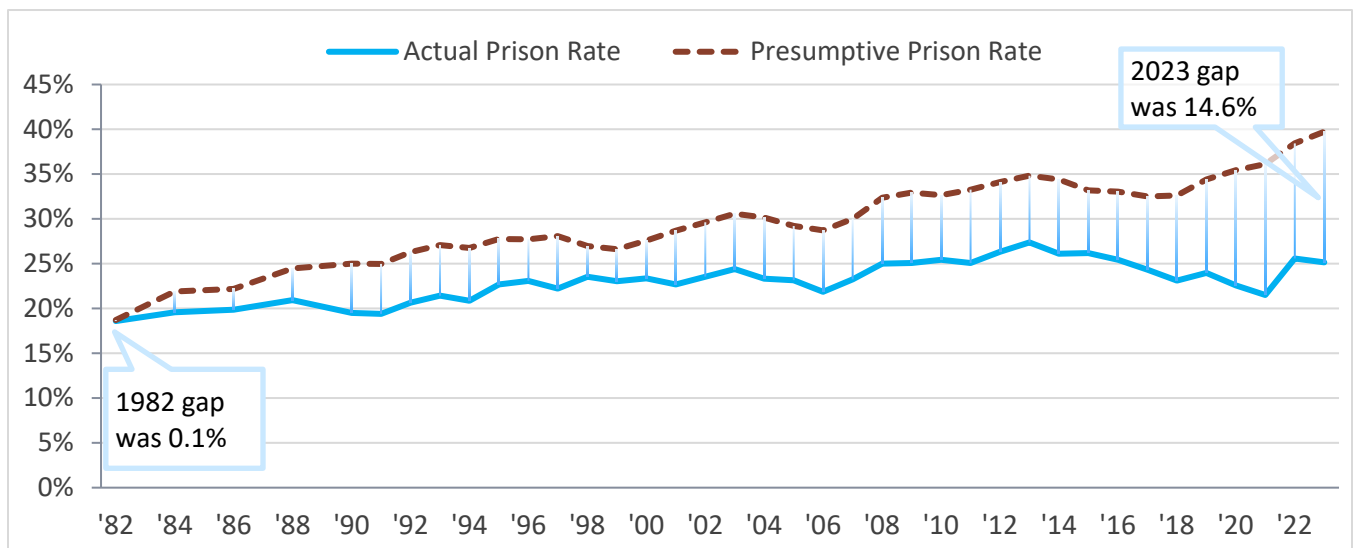


Figure 9 shows the separate rates for state prison and local confinement. For comparison, Figure 10 also displays the “presumptive prison rate,” which is the rate at which the Guidelines recommended a prison sentence. More defendants are recommended a state prison sentence than actually go to prison.

Figure 10. Actual & Presumptive Prison Rates, 1982–2023



In 2023, the Guidelines recommended prison in a record-high 39.7 percent of cases (Figure 10, “Presumptive Prison Rate”),<sup>7</sup> compared to the actual prison rate of 25.2 percent. The difference between these two rates is 14.5 percentage points. For the first twenty years of the Guidelines, the gap between the presumptive prison rate and the actual prison rate remained steady—never exceeding 6 percentage points—until the early 2000s. Since then, the gap has widened—between 7 to 10 percentage points in the 2010s and, in the 2020s, between 13 to 15 percentage points (Figure 10).

### **Stays of Execution & Stays of Imposition**

A stayed sentence, when a defendant does not go to prison, may be accomplished by either a stay of imposition or a stay of execution. There are two steps in sentencing: (1) the imposition of a felony sentence; and (2) the execution of the sentence imposed. The imposition of a sentence consists of pronouncing the sentence to be served in prison (for example, 3 years’ imprisonment). The execution of an imposed sentence consists of transferring the individual convicted of a felony to the custody of the Commissioner of Corrections to serve the prison sentence. The court can, however, stay either the imposition or the execution of the sentence; when this is done, the court will usually order the person to serve a period of probation.

A stay of execution occurs when the court accepts and records a finding or plea of guilty, and a prison sentence is pronounced, but is not executed. If the person successfully completes the stay, the case is discharged, but the person continues to have a record of a felony conviction. A stay of execution, even if successfully completed, is included in criminal history as a felony for any future crime the person commits.

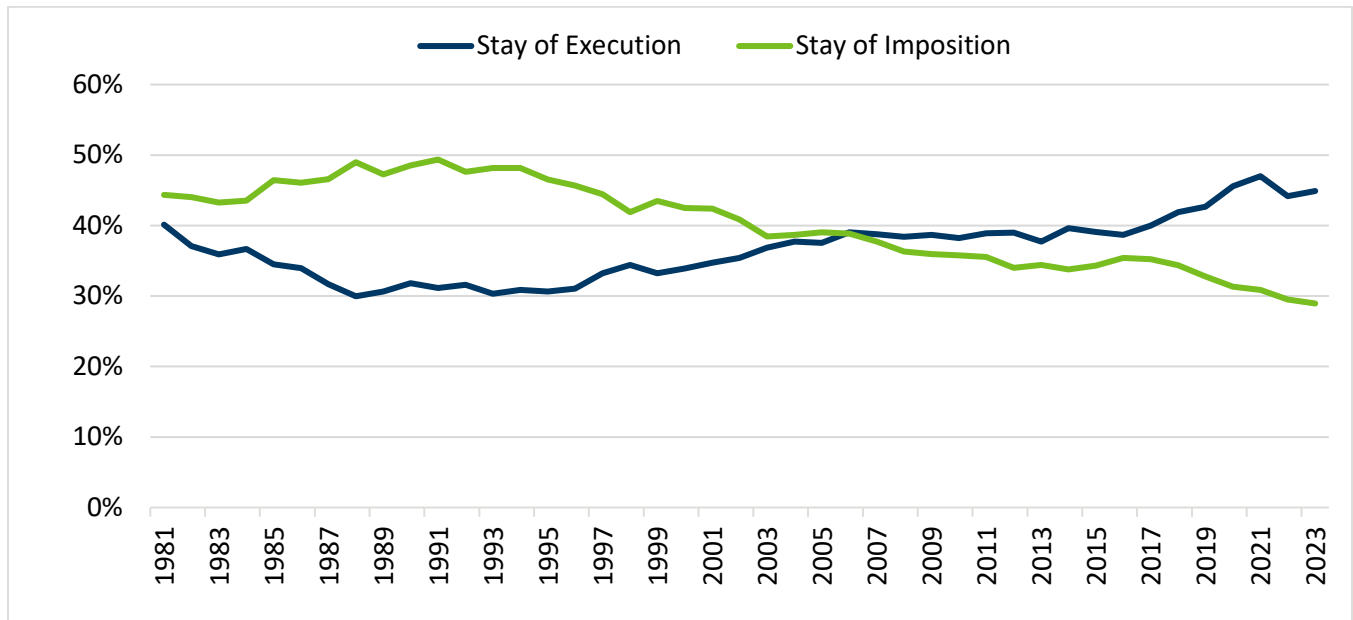
A stay of imposition occurs when the court accepts and records a finding or plea of guilty but does not impose (or pronounce) a prison sentence. If the person successfully completes the stay, the case is discharged, and the conviction is deemed a misdemeanor under Minn. Stat. § 609.13. Nevertheless, the Sentencing Guidelines include a stay of imposition, even if successfully completed, in criminal history as a felony for any future crime the person commits.

Prior to 2006, stays of imposition were given more often than stays of execution. Since 2006, when the rates of stays of imposition and stays of execution were almost even, the rate of stays of impositions has declined while the rates of stays of execution have risen (Figure 11).

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<sup>7</sup> Even without the data anomaly discussed in footnote 12 (p. 28), the 2022 presumptive-prison rate would still have been 38.4 percent.

Figure 11. Rates of Stays of Execution and Stays of Imposition, 2001–2023



### Incarceration by Sex, Race/Ethnicity, and Judicial District

Table 2 (p. 23) provides total incarceration information for cases sentenced in 2023 by sex, race/ethnicity and judicial district. “Total Incarceration” includes all sentences that included a prison sentence or local confinement as a condition of a stayed sentence.

#### Sex

More males (28%) than females (11%) received prison, while males received local confinement in 59 percent of cases and females received local confinement in 71 percent of cases.

#### Race/Ethnicity

The incarceration rate also varied by racial category, with the White category having the lowest incarceration rate in 2023 at 84.6 percent and the Asian category having the highest incarceration rate at 88.8 percent. Focusing only on prison, the White population had the lowest prison rate (22.7%), while the Black population had the highest prison rate (29.4%). The American Indian, Hispanic, and Asian populations all had prison rates around 26 percent (Table 2).

#### Judicial District

Geographically, the incarceration rate ranged from a low of 76 percent in the 3rd Judicial District (includes Rochester) to a high of 93 percent in the 8th Judicial District (includes Willmar). The 8th Judicial District also had the highest prison rate at 27.8 percent, while the 6th Judicial District (includes Duluth) had the lowest prison rate (22.9%). The 5th Judicial District (includes Mankato) had the highest local confinement rate (66.8%), while the 3rd Judicial District had the lowest rates of local confinement at 50.8 percent.

Table 2. Incarceration Rates by Sex, Race/Ethnicity, and Judicial District, 2023

		Total Number	Total Incarceration		Local Confinement		State Prison			
			Number	Rate (%)	Number	Rate (%)	Number	2023 Rate (%)	2018–22 5-Yr. Rate	2019–23 5-Yr. Rate
	Male	13,017	11,351	87.2	7,638	58.7	3,694	28.4	26.7	27.1
	Female	3,007	2,458	81.7	2,119	70.5	338	11.2	9.9	10.0
Race & Ethnicity	White	8,397	7,107	84.6	5,193	61.8	1,908	22.7	20.6	21.3
	Black	4,673	4,098	87.7	2,715	58.1	1,375	29.4	28.8	28.7
	American Indian	1,468	1,300	88.6	922	62.8	376	25.6	24.3	24.8
	Hispanic	1,021	892	87.4	636	62.3	254	24.9	26.2	25.7
	Asian	464	412	88.8	291	62.7	119	25.6	22.4	23.3
	Other/Unknown	1	0	0.0	-	0.0	0	0.0	0	0.0
Judicial District	First	1,993	1,697	85.1	1,232	61.8	461	23.1	19.2	20.2
	Second	1,761	1,635	92.8	1,160	65.9	470	26.7	24.5	25.0
	Third	1,086	823	75.8	552	50.8	271	25.0	24.2	24.4
	Fourth	2,890	2,376	82.2	1,605	55.5	766	26.5	25.7	25.7
	Fifth	891	812	91.1	595	66.8	217	24.4	21.3	22.3
	Sixth	708	593	83.8	429	60.6	162	22.9	21	21.8
	Seventh	1,796	1,644	91.5	1,187	66.1	456	25.4	26.7	26.2
	Eighth	546	508	93.0	356	65.2	152	27.8	23.8	24.9
	Ninth	1,715	1,366	79.7	902	52.6	464	27.1	25.9	26.8
	Tenth	2,642	2,355	89.1	1,739	65.8	613	23.2	20.9	21.4
	<b>Total</b>	<b>16,028</b>	<b>13,809</b>	<b>86.2</b>	<b>9,757</b>	<b>60.9</b>	<b>4,032</b>	<b>25.2</b>	<b>23.4</b>	<b>23.9</b>

Figures 12 and 13 compare the actual 2023 prison rates with the presumptive prison rates—the rates at which the Sentencing Guidelines recommended prison. For all groups, the presumptive imprisonment rate was higher than the actual imprisonment rate. Two observations may be made.

First, within each demographic category (i.e., sex, race/ethnicity, and geography), the group with the largest presumptive prison rate was also the group with the largest gap between the presumptive and actual imprisonment rates. Specifically:

- Males had a higher presumptive imprisonment rate than females (44% vs. 21%) and a larger gap between presumptive and actual imprisonment rates (16 percentage points vs. 10 percentage points).
- Among racial and ethnic groups, the Black population had the highest presumptive prison rate (47%), and the largest gap between presumptive and actual prison rates (18 percentage points).
- Geographically, the 2nd Judicial District (includes St. Paul) had the highest presumptive prison rate (51%) and the largest gap between presumptive and actual prison rates (24 percentage points).

Second, each demographic category saw a greater variation between presumptive prison rates than actual prison rates. Between males and females, there was a 23-percentage-point difference in presumptive prison rates, but a 17-percentage point difference in the actual prison rates. Among racial and ethnic groups, the presumptive prison rates varied by 11 percentage points, while the actual prison rates varied by seven percentage points. Among judicial districts, the percentage-point spread was 20 points for presumptive prison, but 5 points for actual prison.

Figure 12. Actual & Presumptive Prison Rates by Sex & Race/Ethnicity, 2023

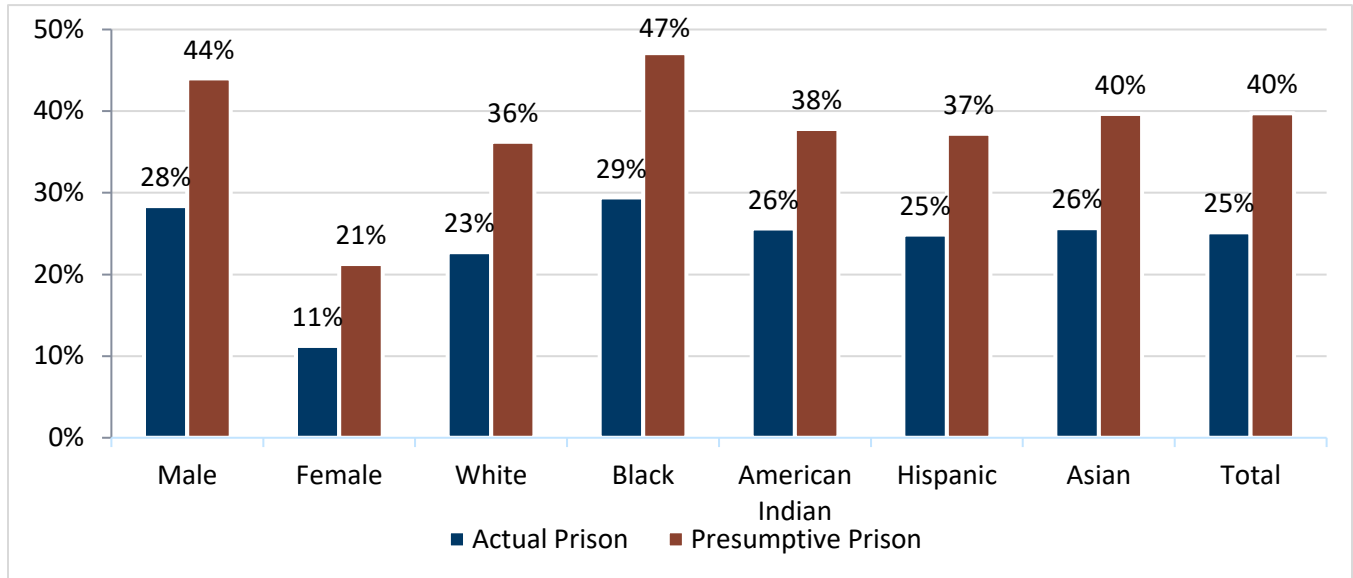
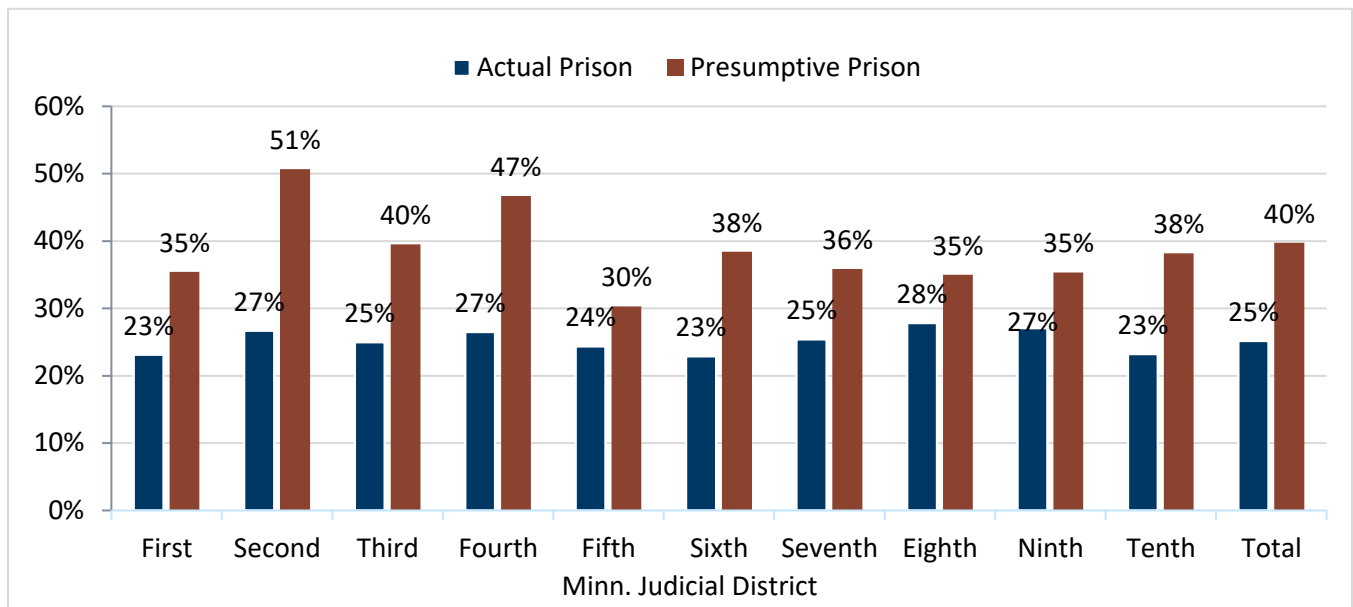


Figure 13. Actual & Presumptive Prison Rates by Judicial District, 2023

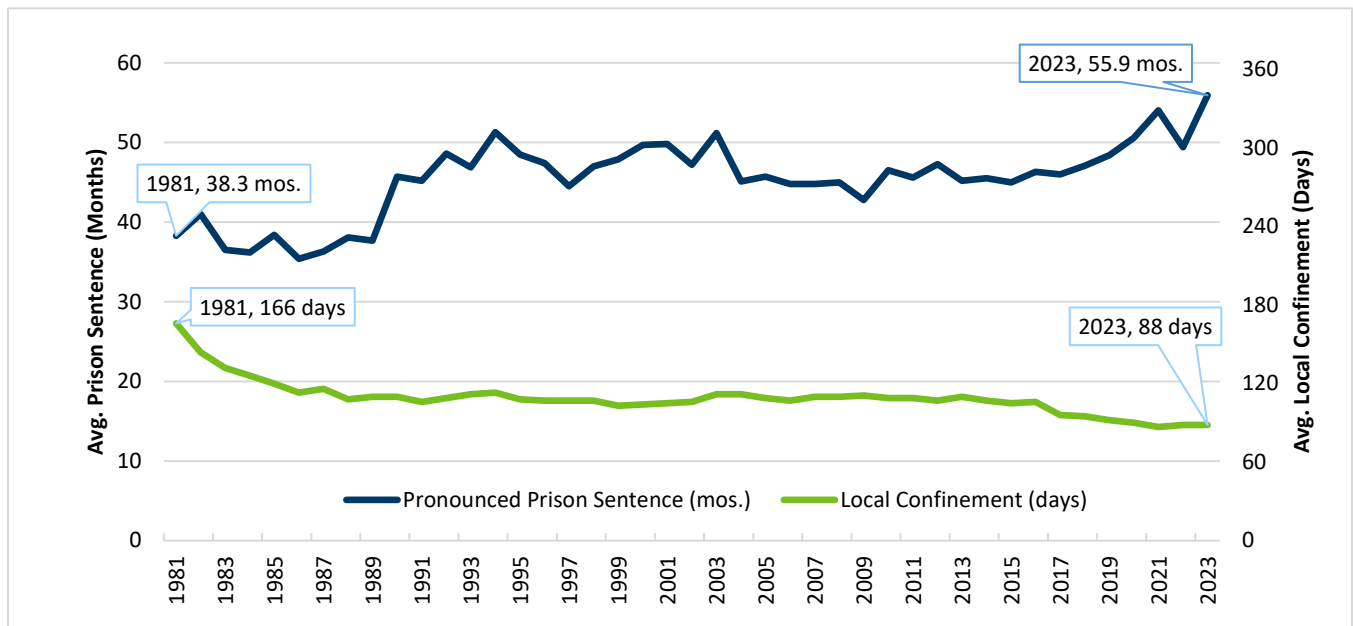


## Average Pronounced Felony Sentences (Durations)

### State Prison

The average duration of a pronounced prison sentence has fluctuated as shown in Figure 14. From 1981 to 1989, the average was 37.5 months, increasing to an average of 47.5 months from 1992<sup>8</sup> to 2023. 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 sentence durations adopted by the Commission in 1989<sup>9</sup> and, for a time, an increase in the number of upward durational departures. In 2023, the average prison sentence was 55.9 months, a record high.

Figure 14. Average Pronounced Prison Sentences and Local Confinement, 1981–2023



### Local Confinement (Post-Sentence in County Jails and Workhouses)

MSGC tracks the duration of local confinement pronounced as a condition of probation, not the actual time served. These two numbers are not always equivalent because, for a variety of reasons, many people will not serve the full amount of local confinement time pronounced by the judge. Some may be released early to a treatment program. Others who have served time prior to sentencing may receive credit for their time already served. Credited time counts towards a person's pronounced duration of local confinement, meaning if a person's credited time and pronounced duration of local confinement are the same, they are not required to serve any additional local confinement time.

<sup>8</sup> 1990 & 1991 data are not included because of a mixture of presumptive sentences.

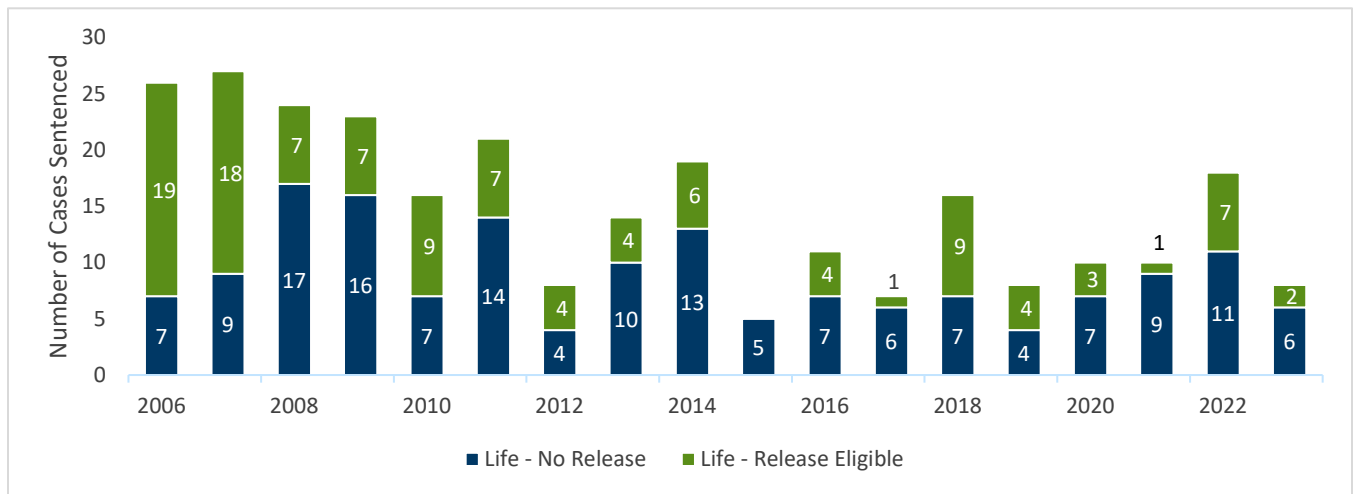
<sup>9</sup> See "Changes to the Sentencing Grid Over Time – 1989," p. 8.

In 2023, the average amount of local confinement pronounced was 88 days. This annual average remained fairly consistent from 1988 through 2016—between 103 and 113 days—but has been less than 100 days since 2017 (Table 25, p. 85).

*Life Sentences*

Eight people received life sentences in 2023, all for first-degree murder (Figure 15). Six will never be eligible for release: five because the murder was premeditated<sup>10</sup> and one because the murder was committed while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence. Life sentences are excluded from the average pronounced prison sentences reported.

Figure 15. Life Sentence Cases, 2013–2023



<sup>10</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.

## Departures from the Sentencing Guidelines

A “departure” is a pronounced sentence other than that recommended by the Guidelines. When there is a departure, the court must cite substantial and compelling reasons for the departure on the record. Departures and their reasons highlight both the success and problems of the existing Guidelines. Because the presumptive sentence is based on “the typical case,” a departure from a case that is not typical can actually help enhance proportionality in the Guidelines. However, high departure rates can also indicate inconsistencies and other issues in sentencing.

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 often agreement or acceptance among all actors that the sentence is appropriate.

In 2023, 96.7 percent of felony convictions were obtained without a trial. Felony convictions obtained without a trial have always been over 95 percent. Only a small percent of all cases, 1 to 2 percent, 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>11</sup> Along with reasons for departure, the court may supply information about the position of the prosecutor regarding the departure. In 2023, the Commission received departure reasons, information about the position of the prosecutor, or both, in 94 percent of departure cases.

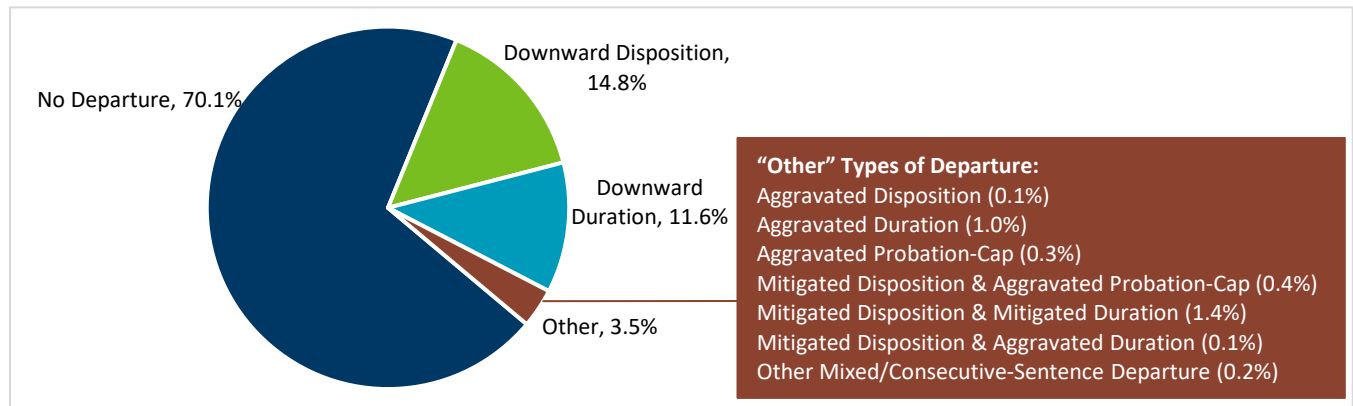
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<sup>11</sup> Minn. R. Crim. P. [27.03](#), subd. 4(C); *see also* Minn. Stat. § 244.10, subd. 2.

## Total Departures

In 2023, 70 percent of the cases sentenced received the Guidelines recommended sentences. In the remaining 30 percent of cases, there was some type of departure; *i.e.*, downward/mitigated, upward/aggravated, or mixed (Figure 16).<sup>12</sup> In 2020, a new type of aggravated departure was created: a departure from the new five-year presumptive probation cap.<sup>13</sup> Such a departure occurred in 0.3 percent of the 2023 cases (42 cases).

Figure 16. Total Departure Rates, All Cases, 2023

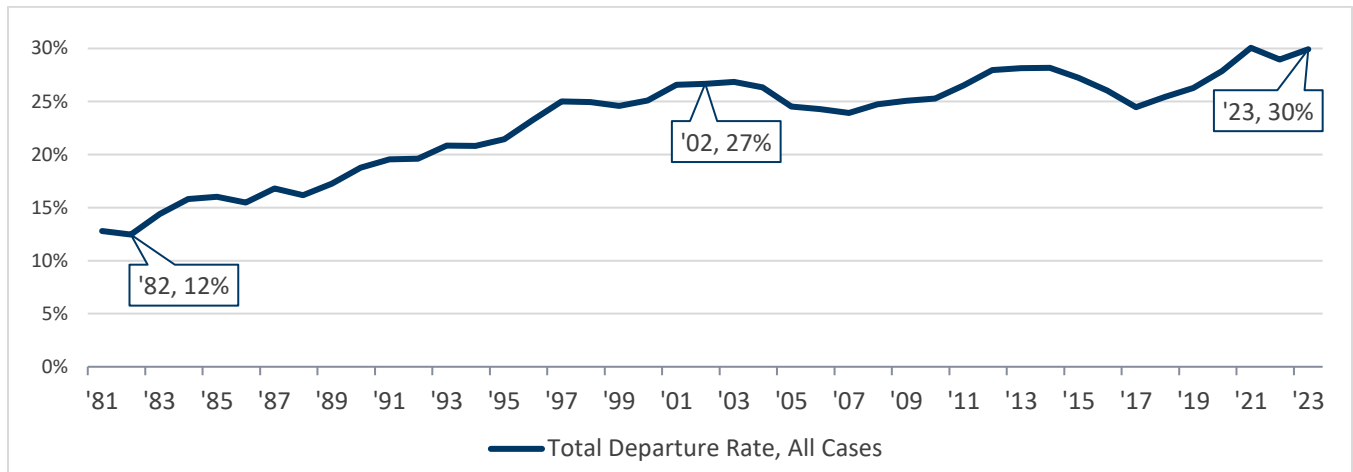


The total departure rate has grown over time. In the 1980s, the rate stayed below 20 percent, but grew to between 24 to 27 percent in the 2000s (Figure 17). As stated above, the 2023 total departure rate was 30 percent.

<sup>12</sup> Throughout this report, both presumptive commitments and mitigated dispositional departures are overstated by six cases in 2022. This data anomaly was caused by the transition to the rule in *State v. Beganovic*, 974 N.W.2d 278, 288 (Minn. Ct. App. 2022), *aff'd on other grounds* (Minn. June 14, 2023), which required the court to disregard a partial custody-status point when calculating the presumptive sentence.

<sup>13</sup> Effective August 1, 2020, it was an aggravated/upward length of stay departure to exceed five years or the length of the statutory maximum punishment, whichever was less, in most cases. This policy applied until August 1, 2023, at which time the Legislature codified similar five-year probation lengths in [Minn. Stat. § 609.135](#).

Figure 17. Total Departure Rates, All Cases, 1981–2023

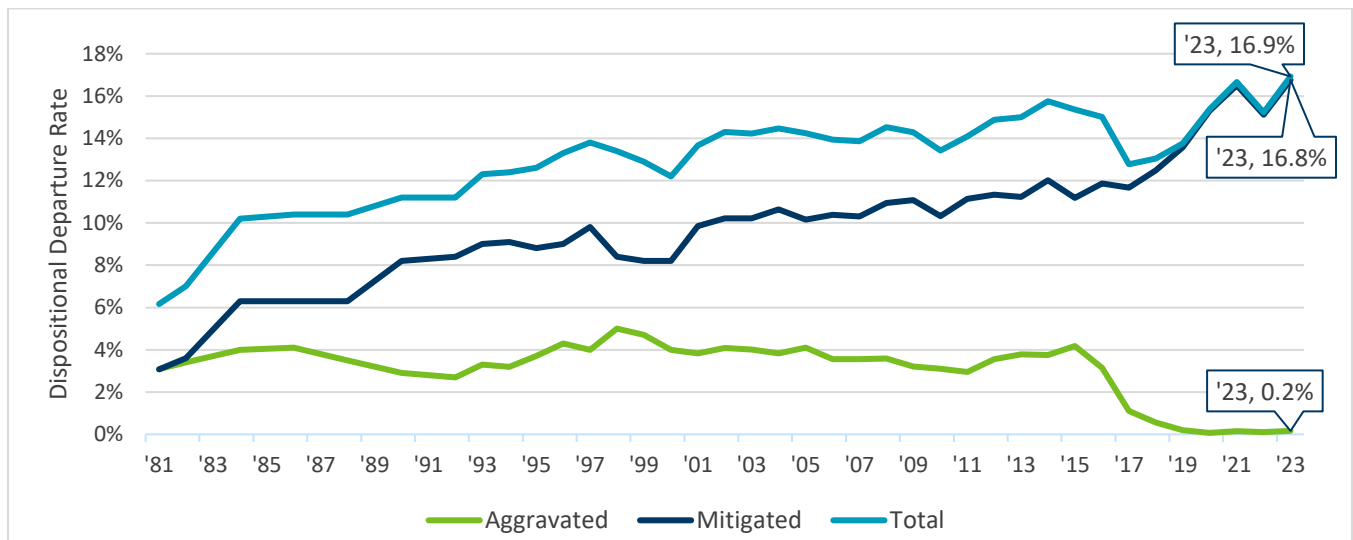


## Dispositional Departures

While the section above discussed all departures, this section focuses on dispositional departures which occurs when the Guidelines recommended a non-prison (stayed) sentence, but the court pronounced an executed prison sentence (upward or aggravated); or when the Guidelines recommended an executed prison sentence, but the court pronounced a stayed sentence (downward or mitigated).

As seen in Figure 18, the total dispositional departure rate has slowly increased over time, from 6 percent in 1982 to 17 percent in 2023.

Figure 18. Dispositional Departure Rates, All Cases, 1981–2023

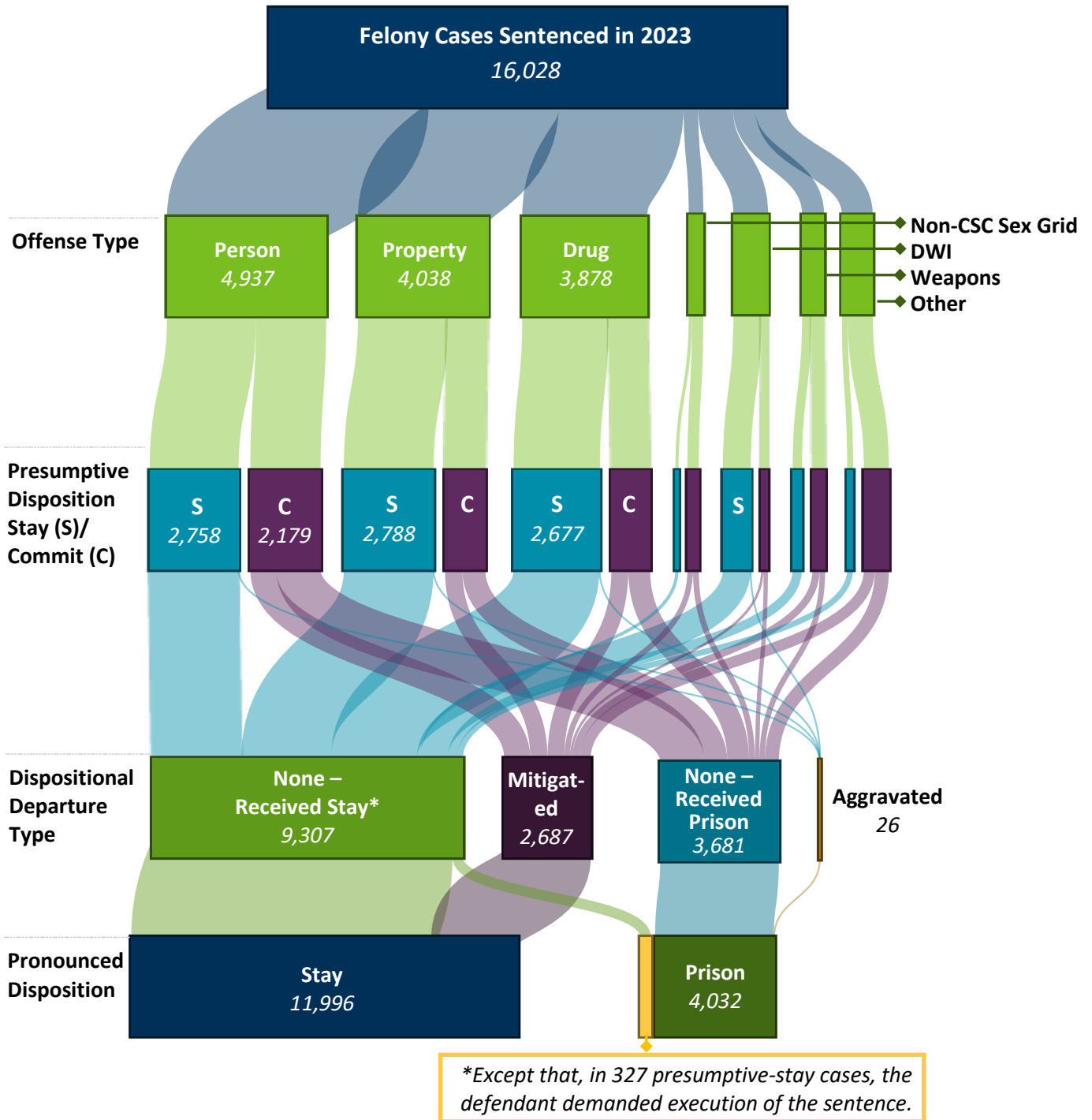


Note: For a discussion about the decline in aggravated dispositional departures after 2015, see footnote 14 (p. 37).

Figure 19 (p. 31) illustrates the flow of felony cases sentenced in 2023 and highlights dispositional departures for the various types of cases. For example, of all 16,028 cases sentenced in 2023, 4,937 cases were person offenses. Of the 4,937 person cases, 2,758 had a presumptive stayed disposition and 2,179 had a disposition of presumptive commitment to prison. Of the 2,179 presumptive commit cases, 37 percent received a mitigated dispositional departure.

For legibility, Figure 19 omits case-volume labels in several categories. See Table 11 (p. 61) for detailed information.

Figure 19. Flow of Felony Dispositions, 2023

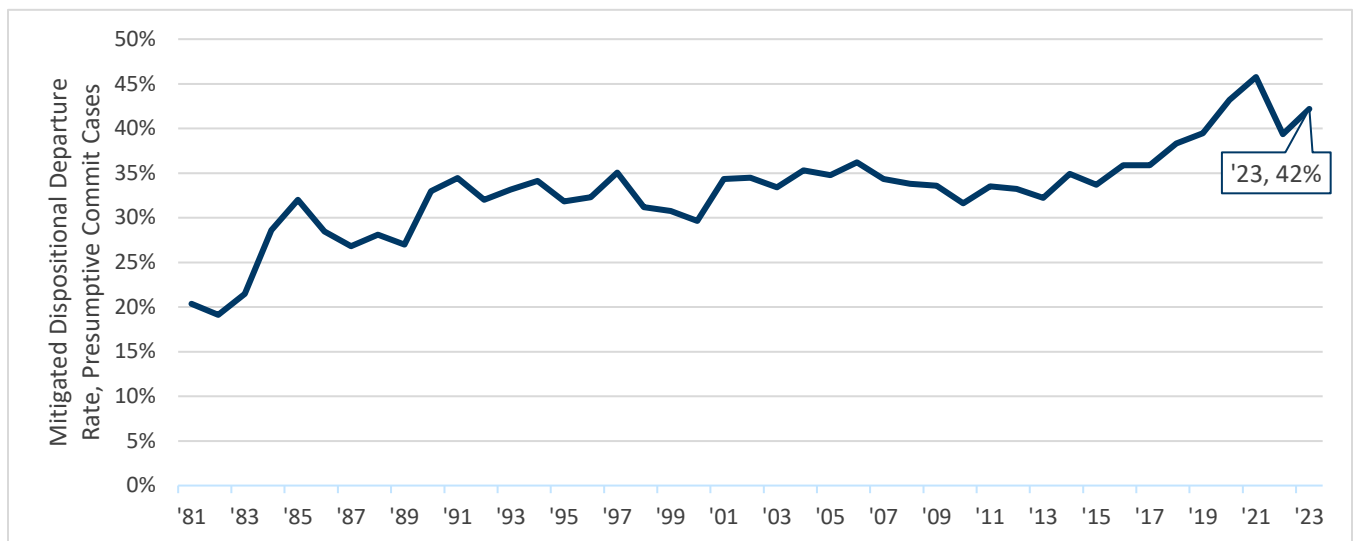


## Mitigated Dispositional Departure Rates for Presumptive Commitment Offenses

While figures 18 and 19 display both mitigated and aggravated dispositional departures, Figure 20 focuses only on mitigated dispositional departures. Because a mitigated dispositional departure occurs when the Guidelines recommended an executed prison sentence but the court pronounced a stayed sentence, the rates in Figure 20 are reported as a percentage of presumptive commitment cases only. The rates in Figure 20 are therefore higher than those illustrated by the “Mitigated” line in Figure 18 (p. 29), which reports percentages of all cases sentenced.

In 2023, the mitigated dispositional departure rate was 42.2 percent of presumptive commitment cases. While lower than the record-high rate of 45.7 percent in 2021, the rate in 2023 was the first non-COVID year where the mitigated dispositional departure rate exceeded 40 percent.

Figure 20. Mitigated Dispositional Departure Rates, Presumptive Commit Cases Only, 1981–2023



## Mitigated Dispositional Departure Rates by Sex, Race or Ethnicity, and Judicial District

Table 3 lists dispositional departure rates by sex, race or ethnicity, and judicial district for presumptive commitment cases. In 2023, the mitigated dispositional departure rate was higher for females (58%) than males (40.4%). The mitigated dispositional departure rate was highest for the White population (43.9%) and the lowest for the Asian population (38.6%). There was also variation in the rate by judicial district, ranging from a low of 31.9 percent in the 8th District (includes Willmar) to a high of 48.2 percent in the 2nd District (includes St. Paul).

When reviewing Table 3, note that observed variations may be partly explained by regional differences in case volume, charging practices, and plea agreement practices, as well as differences in the types of offenses sentenced, criminal history scores of defendants across racial groups or across regions, and available local correctional resources. For example, the 8th District (includes Willmar) makes up 3 percent of the state’s case volume (546 cases) with 35 percent of its cases being presumptive commitments (191 cases). By comparison,

the 4th District (includes Minneapolis) makes up 18 percent of the state’s case volume (2,890 cases) with 47 percent of its cases being presumptive commitments (1,349 cases).

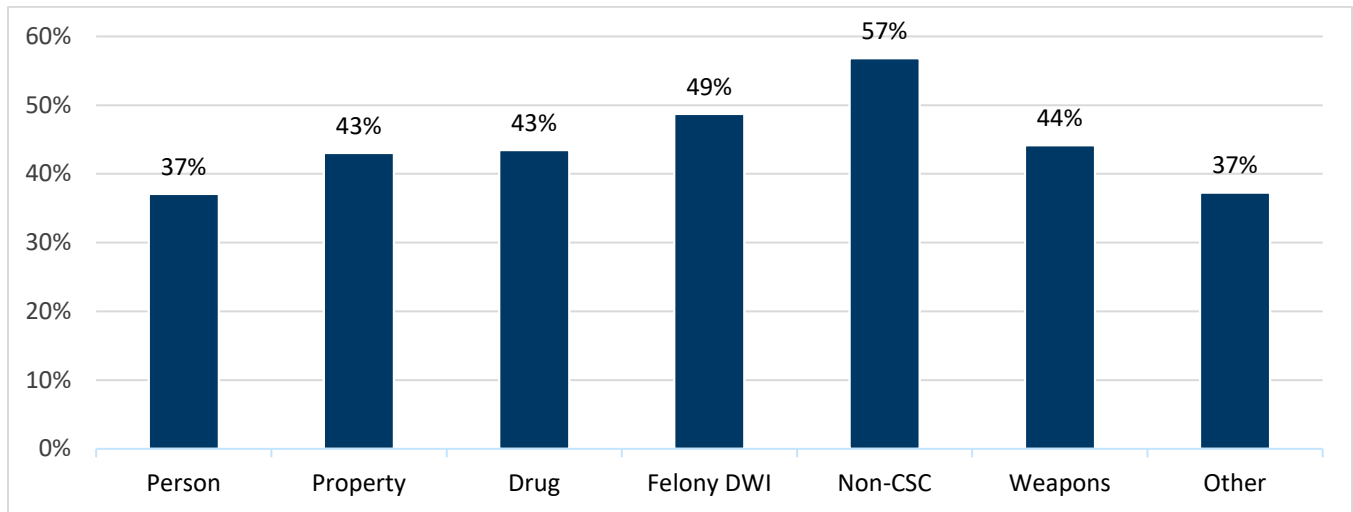
Table 3. Dispositional Departures by Presumptive Disposition, by Sex, Race/Ethnicity, & Judicial District, 2023

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2023 Rate (%)	2019–23 5-Yr. Rate
	Male	13,017	7,291	17	0.2	5,726	2,316	40.4	40.1
	Female	3,007	2,367	9	0.4	640	371	58.0	58.6
Race/Ethnicity	White	8,397	5,352	16	0.3	3,045	1,338	43.9	44.5
	Black	4,673	2,471	6	0.2	2,202	910	41.3	40.3
	American Indian	1,468	913	2	0.2	555	218	39.3	34.7
	Hispanic	1,021	641	2	0.3	380	150	39.5	36.3
	Asian	464	280	0	0.0	184	71	38.6	42.2
	Other/Unknown	1	1	0	0.0	0	---	---	---
	Judicial District	First	1,993	1,287	7	0.5	706	289	40.9
Second		1,761	869	1	0.1	892	430	48.2	50.4
Third		1,086	657	3	0.5	429	186	43.4	43.7
Fourth		2,890	1,541	0	0.0	1,349	613	45.4	41.8
Fifth		891	621	0	0.0	270	78	28.9	38.7
Sixth		708	436	1	0.2	272	123	45.2	46.5
Seventh		1,796	1,152	4	0.3	644	250	38.8	35.2
Eighth		546	355	0	0.0	191	61	31.9	30.8
Ninth		1,715	1,109	6	0.5	606	213	35.1	34.0
Tenth		2,642	1,633	4	0.2	1009	444	44.0	44.4
	<b>Total</b>	<b>16,028</b>	<b>9,660</b>	<b>26</b>	<b>0.3</b>	<b>6,368</b>	<b>2,687</b>	<b>42.2</b>	<b>41.8</b>

### Mitigated Dispositional Departure Rate by Offense Type

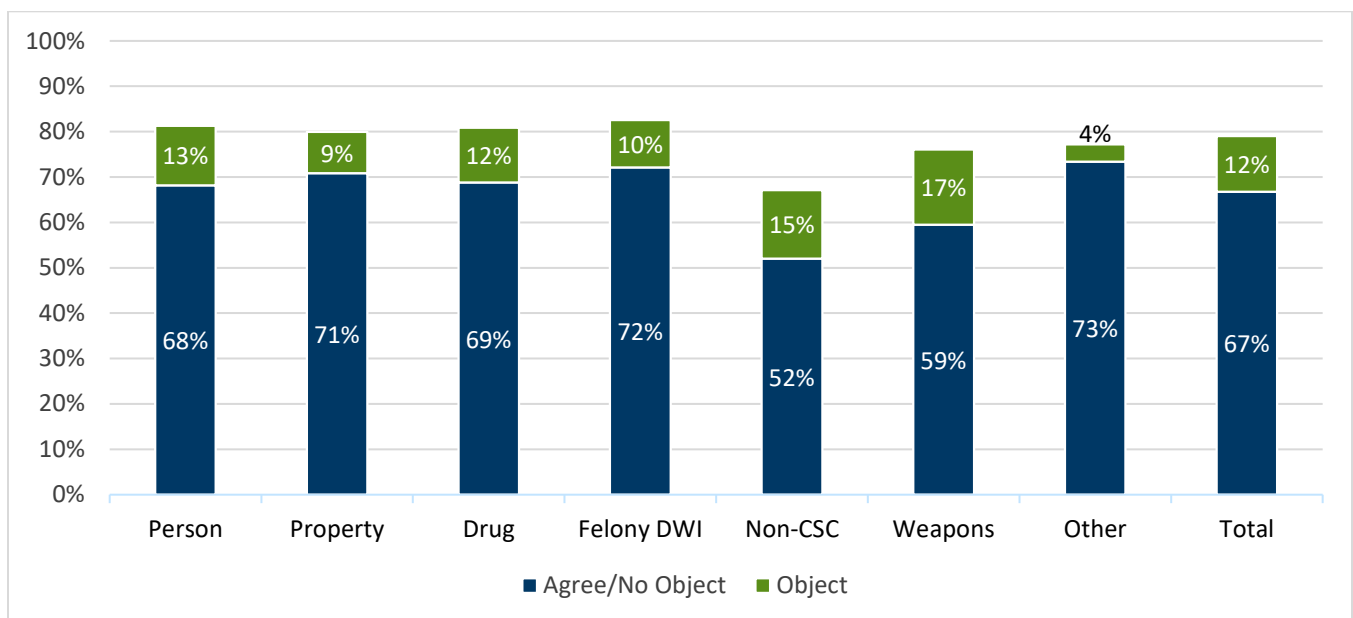
The annual mitigated dispositional departure rate varies by offense type. Over the last decade, non-CSC sex offense cases and felony DWI cases have typically received a mitigated dispositional departure at a higher rate than person cases, property case, and other offense (for example, fleeing police in motor vehicle, and tax offenses) cases. Figure 21 displays the mitigated dispositional departure rate in 2023 by offense type.

Figure 21. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitments Only, 2023



In many departure cases (79% in 2023), the court reported to MSGC the prosecutor’s position on the departure—whether the prosecutor objected to, recommended, or did not object to the departure. In 67 percent of all mitigated dispositional departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure (Figure 22). In 12 percent of these cases, the court stated that the prosecutor objected to the departure. Prosecutor agreement varies by offense type. In all offense categories, amenability to probation and amenability to treatment were the most frequently cited substantial and compelling reasons for departure recorded.

Figure 22. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, by Offense Type, 2023

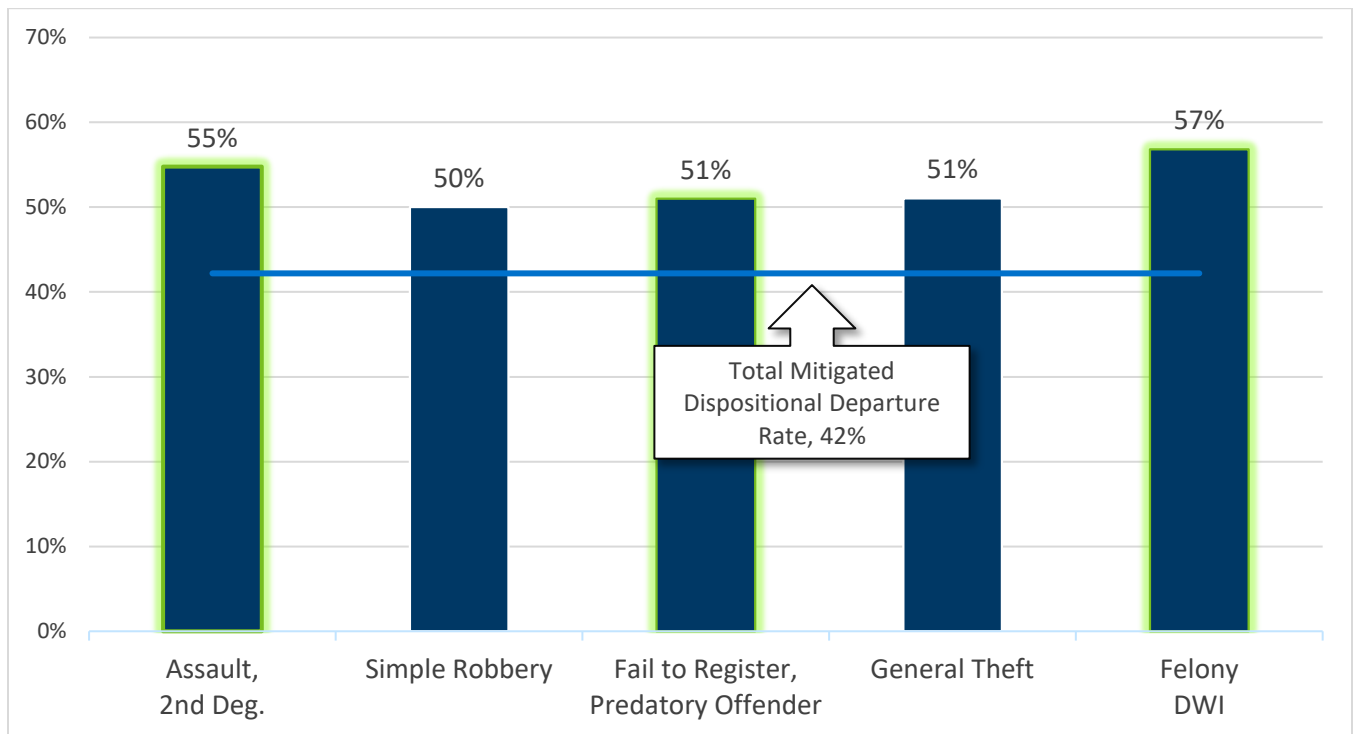


Notes: Departure reports do not always include information on the prosecutor’s position, which is why the columns do not add up to 100% for each offense. “Total” refers to the total 2,687 cases receiving mitigated dispositional departures.

## Mitigated Dispositional Departures for Selected Offenses

Dispositional departure rates tend to vary depending on the conviction offense cited during sentencing. Figure 23 displays the offenses with the highest rates of mitigated dispositional departure in 2023 compared to the rate for all offenses (42%). The selected offenses were those with 50 or more presumptive commitment cases and a mitigated dispositional departure rate of 50 percent or greater. Since 2015, three offenses consistently remain in this select group (highlighted in green): Assault in the second degree, failure to register as a predatory offender, and felony DWI.

Figure 23. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2023

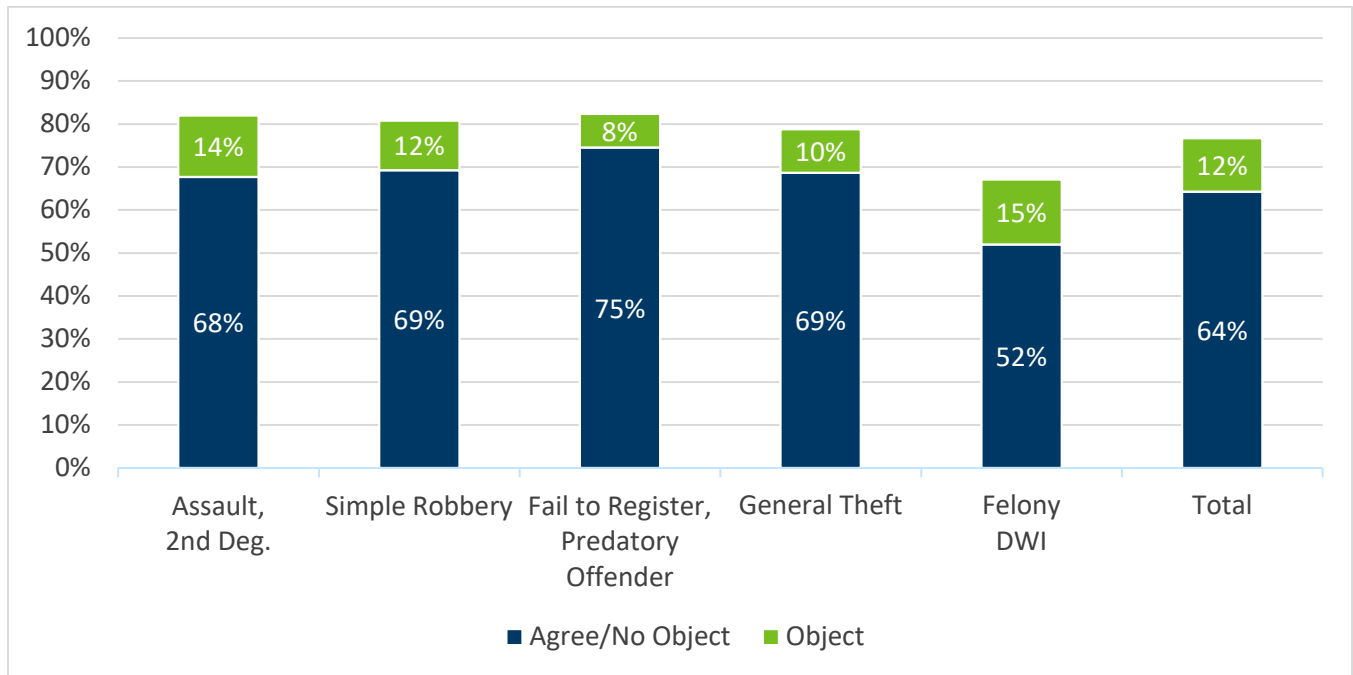


Note: Assault, 2nd Deg. (N=345); Simple Robbery (N=52); Fail to Register, Predatory Offender (N=300); General Theft (N=194); Felony DWI (N=396).

Two of the offenses highlighted in Figure 23, assault in the second degree and failure to register as a predatory offender, have mandatory minimum sentences specified in statute, with provisions in the Guidelines that allow for departure from those mandatory minimums. Mandatory minimums always recommend a prison sentence along with a presumptive duration that does not fall below a set minimum number of years.

For the offenses included in Figure 23, most prosecutors agreed to the departure. Cases where the court stated that the prosecutor objected to the departure ranged from 7.8 percent for failure to register as a predatory offender, to 15.1 percent for felony DWI (Figure 24).

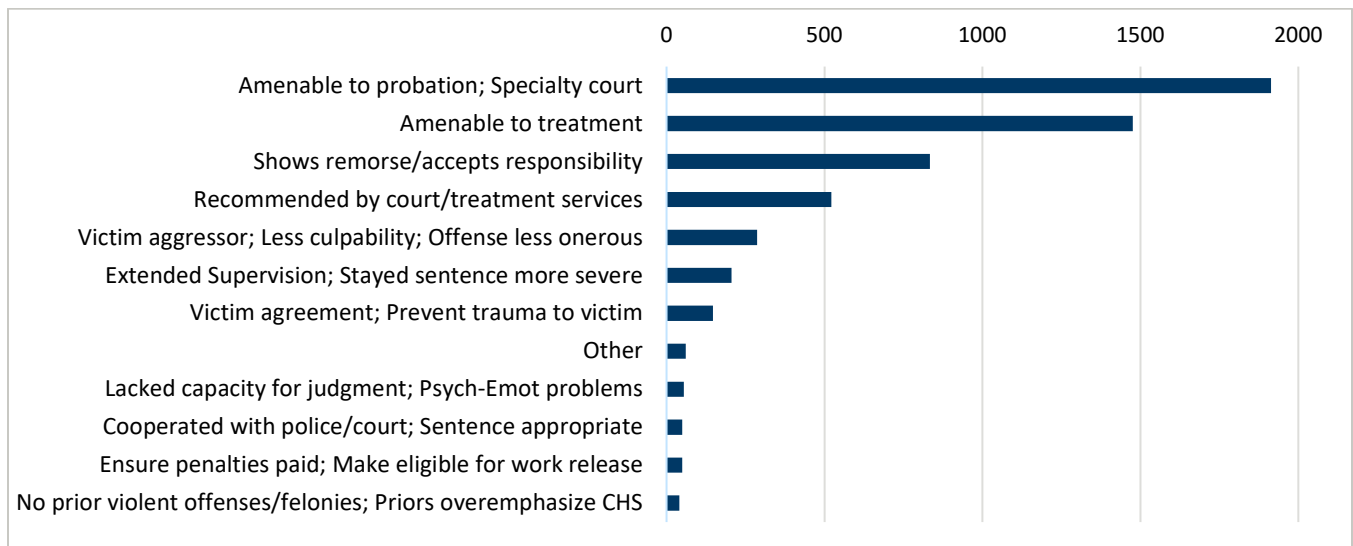
Figure 24. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, Selected Offenses, 2023



Note: 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.

Amenability to probation, amenability to treatment, and a display of remorse or acceptance of responsibility were the most frequently cited substantial and compelling reasons for mitigated dispositional departure recorded (Figure 25).

Figure 25. Reasons Cited by the Court for Mitigated Dispositional Departures, 2023



Note: The total number of reasons displayed exceeds the number of mitigated dispositional departures (2,687) because the court may cite multiple reasons in support of a single departure.

## Aggravated Dispositional Departure Rates for Presumptive Probation Offenses

Of all cases sentenced in 2023, 0.2 percent (26 cases) received a sentence that constituted an aggravated dispositional departure (executed prison when the Guidelines recommended a stayed sentence). Among those cases at risk to receive an aggravated dispositional departure—those with a presumptive stayed sentence—the aggravated dispositional departure rate was 0.3 percent.<sup>14</sup>

## Durational Departures

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While Figure 16 (p. 28) reports both the dispositional and durational departure rates among all cases, this section examines only durational departures, which 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 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.

In the example, below, the “lower range” of the presumptive duration is 21 months. The “upper range” of the presumptive duration is 28 months. Any pronounced sentence at or above 21 months, and at or below 28 months, is not a durational departure.

### Example Cell on the

#### Standard Grid:

<b>24</b> 21 - 28
----------------------

#### *If the pronounced sentence is...*

More than 28 months  
24-28 months  
24 months  
21-24 months  
Less than 21 months

#### *Then the case received...*

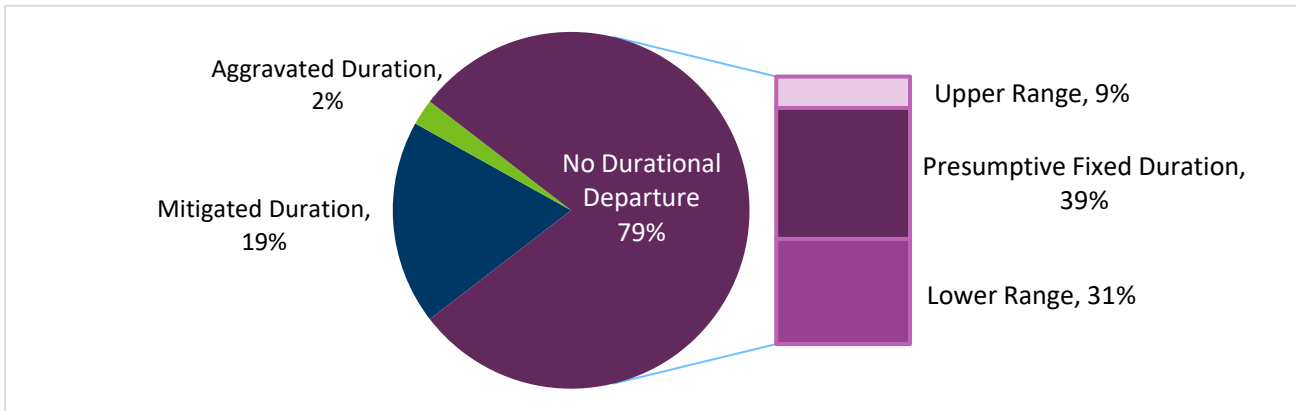
an aggravated durational departure  
a duration within the upper range (not a departure)  
the presumptive fixed duration  
a duration within the lower range (not a departure)  
a mitigated durational departure

Figures 26 and 27 focus on durational departures for pronounced prison sentences (those for whom a prison sentence was executed). As Figure 26 illustrates, in 2023, 79 percent of such cases did not receive a durational departure—although 31 percent received a duration in the lower range and 9 percent received a duration in the upper range.

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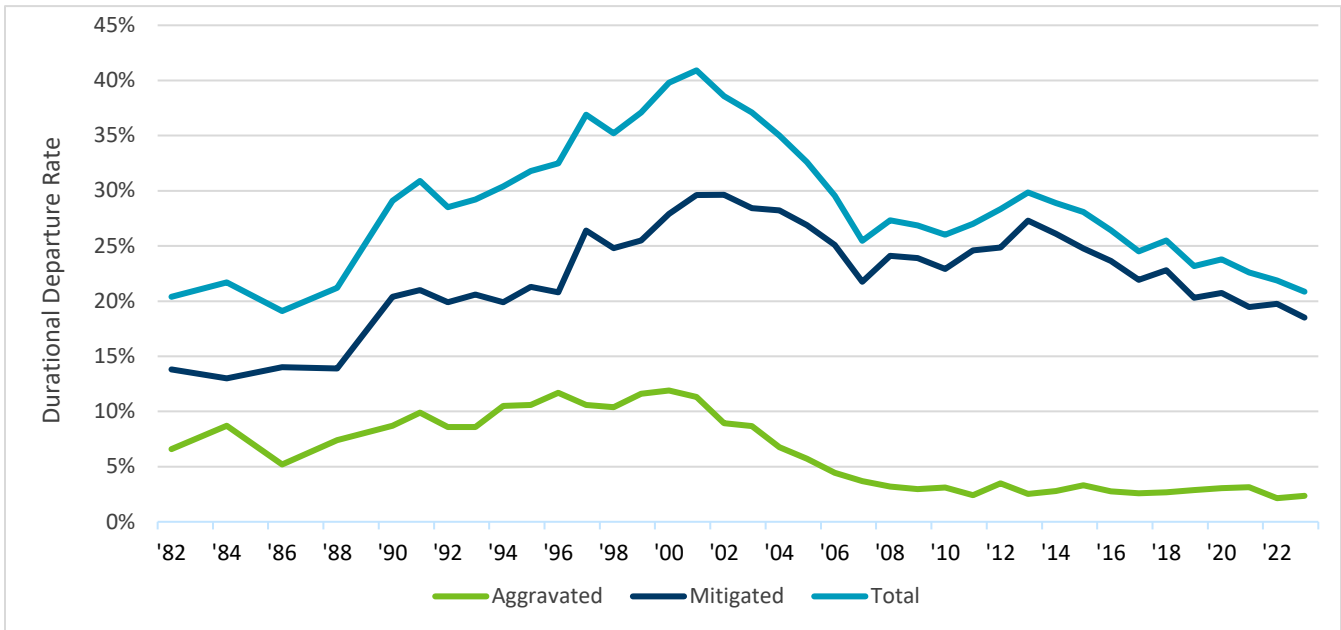
<sup>14</sup> Before 2015, cases in which defendants demanded execution of their sentences (*i.e.*, prison instead of probation) were considered aggravated dispositional departures. Before 2015, 85 percent of aggravated dispositional departures were because of defendants demanding execution of their sentences. See Comment 2.D.107 for the current rule.

Figure 26. Pronounced Sentence Durations, Cases that Received Prison, 2023



The 2023 mitigated durational departure rate was higher than the aggravated durational departure rate (Figure 26). This pattern has been consistent since the adoption of the Guidelines (Figure 27).

Figure 27. Durational Departure Rates for Cases Receiving Executed Prison Sentences, 1982–2023



As Figure 27 shows, both mitigated and aggravated durational departures increased until the early 2000s.

In 2001 and 2002, the mitigated durational departure rate, at almost 30 percent, was the highest since the adoption of the Guidelines. Since then, the rate has generally declined, and is now back below 20 percent. The decrease in mitigated durational departures may be partially attributed to the implementation of the Drug Sentencing Reform Act (DSRA). The average mitigated durational departure rate for drug offenses prior to the DSRA (2009–2016) was 27 percent, whereas the average mitigated durational departure rate for drug offenses post-DSRA is 18 percent.

Likewise, after reaching a high of 12 percent in 2000, the aggravated durational departure rate also declined, leveling off around 3 percent. In 1997, the gap between mitigated and aggravated departures began to grow and has been between 14 and 25 percentage points since then. The trend in lower aggravated durational departure rates since the mid-2000s likely reflects the impact of increased presumptive sentences over the past years, the inception of the Sex Offender Grid (which introduced higher presumptive sentences if certain conditions were met), and issues related to a U.S. Supreme Court ruling known as the *Blakely* decision.<sup>15</sup> In response to the *Blakely* decision, the 2005 Minnesota Legislature expanded the range of presumptive durations from 15 percent below and 20 percent above the fixed duration, allowing judges to pronounce a wider range of durations without departing.<sup>16</sup>

### Cases Receiving a Non-Felony Sentence

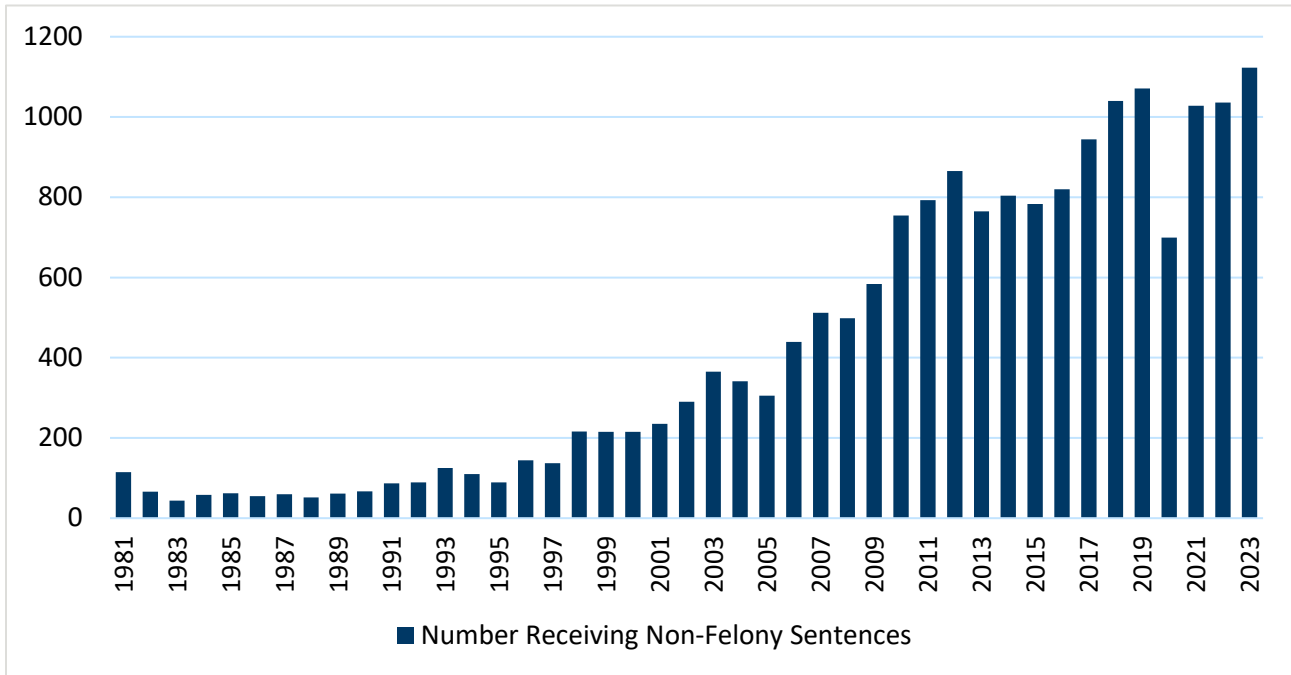
If a court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, Minnesota law deems that conviction to be for a gross misdemeanor or misdemeanor. Because such a sentence is below the presumptive range, the Guidelines consider it to be a mitigated durational departure (see Comment 2.D.105). The number of cases receiving a non-felony sentence despite being convicted of a felony offense has increased over time (Figure 28). In 2023, 1,123 felony cases received a non-felony sentence—the highest on record.

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<sup>15</sup> *Blakely v. Washington*, 542 U.S. 296 (2004), required a jury to find all facts—other than the fact of a prior conviction or those facts admitted to by the defendant—used to enhance a sentence under mandatory sentencing guidelines. 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).

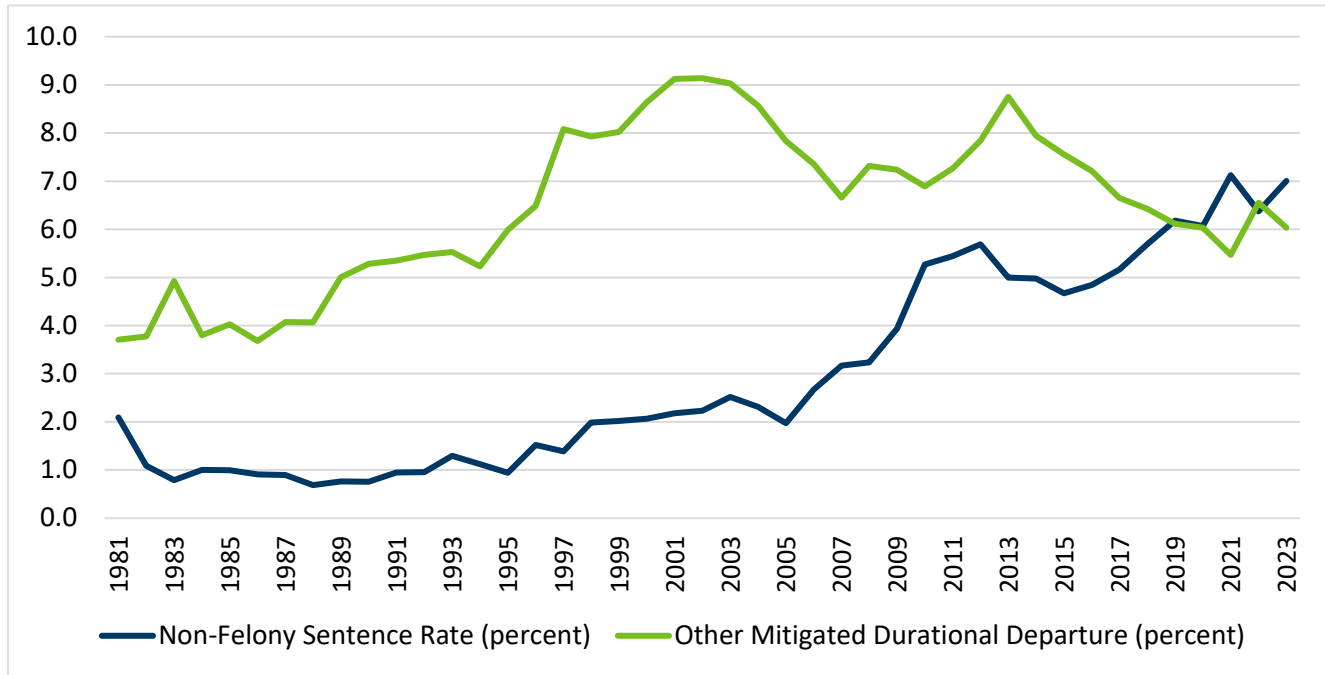
<sup>16</sup> For a deeper examination of the effect of the *Blakely* decision on sentencing practices, see the MSGC special report, "Impact of *Blakely* and Expanded Ranges on Sentencing Grid," at <http://mn.gov/sentencing-guidelines/reports>.

Figure 28. Number of Felony Cases Receiving a Non-Felony Sentence, 1981–2023



Likewise, the rate of non-felony sentences has increased over time, even surpassing, in recent years, the rate of other mitigated durational departures (Figure 29). The offenses that received misdemeanor/gross misdemeanor sentences most frequently were threats of violence and fleeing police in a motor vehicle. Because neither offense has a misdemeanor or gross misdemeanor charging option, it cannot be amended to a misdemeanor or gross misdemeanor (see Comment 2.D.105).

Figure 29. Non-Felony Sentence Rate and Other Mitigated Durational Departure Rate, All Cases, 1981–2023



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

Among executed prison sentences, 2023 mitigated durational departure rates varied by race/ethnicity and judicial district (Table 4), but the rates for males and females were the same (19%). By racial or ethnic group, the mitigated durational departure rates varied from a low of 14 percent for the White and Hispanic populations to a high of 26 percent for the Black population. There was also considerable geographical variation in mitigated durational departure rates: while the rates in the 3rd, 6th, 8th, and 9th judicial districts (including Rochester, Duluth, Willmar, and Bemidji, respectively) ranged between 5 and 10 percent, the rates in the 2nd and 4th judicial districts (including St. Paul and Minneapolis, respectively) were at 29 and 37 percent, respectively.

Table 4. Durational Departures, Executed Prison Sentences, by Sex, Race/Ethnicity, & Judicial Dist., 2023

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2023 Rate	2018–23 5-Yr. Rate
	Male	3,694	20.9	2,922	79.1	89	2.4	683	18.5	19.9
	Female	338	20.4	269	79.6	6	1.8	63	18.6	17.7
Race/Ethnicity	White	1908	16.2	1,598	83.8	41	2.1	269	14.1	15.4
	Black	1375	28.8	979	71.2	37	2.7	359	26.1	27.5
	American Indian	376	17.6	310	82.4	8	2.1	58	15.4	15.7
	Hispanic	254	16.9	211	83.1	7	2.8	36	14.2	16.8
	Asian	119	21.8	93	78.2	2	1.7	24	20.2	25.0
	<b>Total</b>		4,032	20.9	3,191	79.1	95	2.4	746	18.5
Judicial District	First	461	23.0	355	77.0	9	2.0	97	21.0	18.7
	Second	470	31.7	321	68.3	12	2.6	137	29.1	38.6
	Third	271	6.3	254	93.7	3	1.1	14	5.2	7.3
	Fourth	766	40.2	458	59.8	23	3.0	285	37.2	37.3
	Fifth	217	11.5	192	88.5	3	1.4	22	10.1	13.7
	Sixth	162	8.6	148	91.4	3	1.9	11	6.8	7.8
	Seventh	456	16.4	381	83.6	11	2.4	64	14.0	13.9
	Eighth	152	12.5	133	87.5	4	2.6	15	9.9	5.7
	Ninth	464	9.3	421	90.7	13	2.8	30	6.5	8.4
	Tenth	613	13.9	528	86.1	14	2.3	71	11.6	11.4

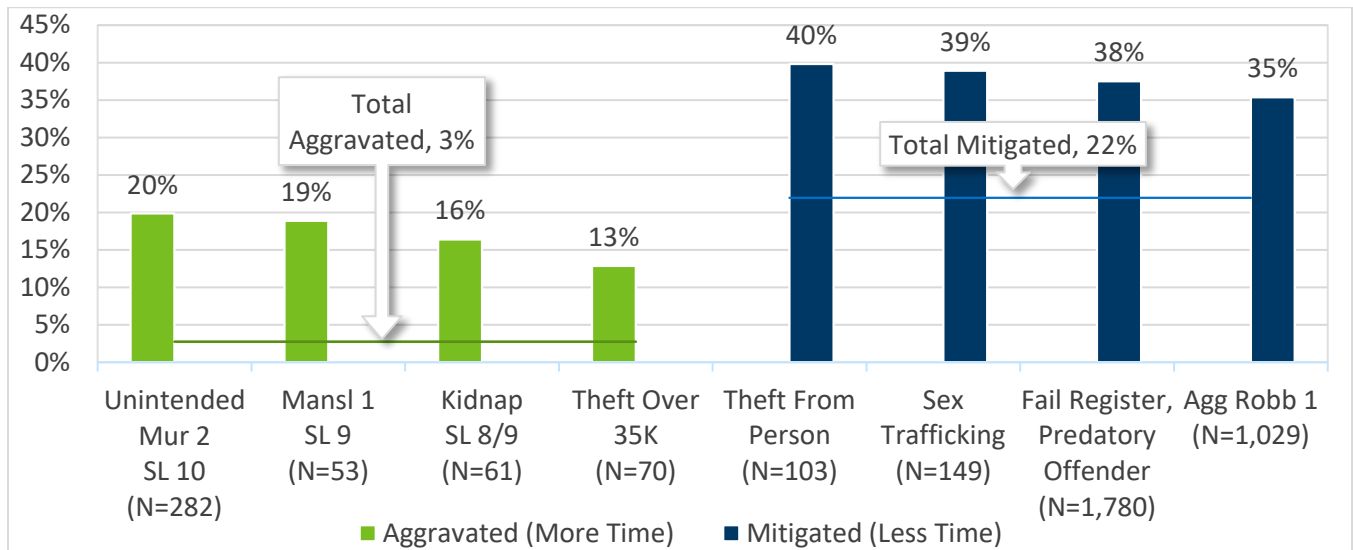
### Durational Departures by Offense Type

Offenses in the non-criminal sexual conduct (non-CSC) sex offense type have higher mitigated durational departure rates and lower aggravated durational departure rates than other offense types. The non-CSC sex offense with the highest mitigated durational departures (excluding an offense with very few cases) is failure to register as a predatory offender. Person offenses tend to have the highest aggravated durational departure rates (ranging from 3 to 6 percent).

Figure 30 (p. 41) displays those offenses with at least 50 executed prison cases that had the highest durational departure rates. Included in this graph are offenses with a mitigated durational departure rate of 30 percent or more or an aggravated durational departure rate of 10 percent or more.

Aggravated durational departure rates were highest for murder in the second degree. Mitigated durational departure rates were highest for aggravated robbery in the first degree and failure to register as a predatory offender. Since 2017, aggravated robbery in the first degree and failure to register as a predatory offender have consistently been in the select group of cases in which mitigated durational departures are higher than the mitigated durational departure rate for all offenses.

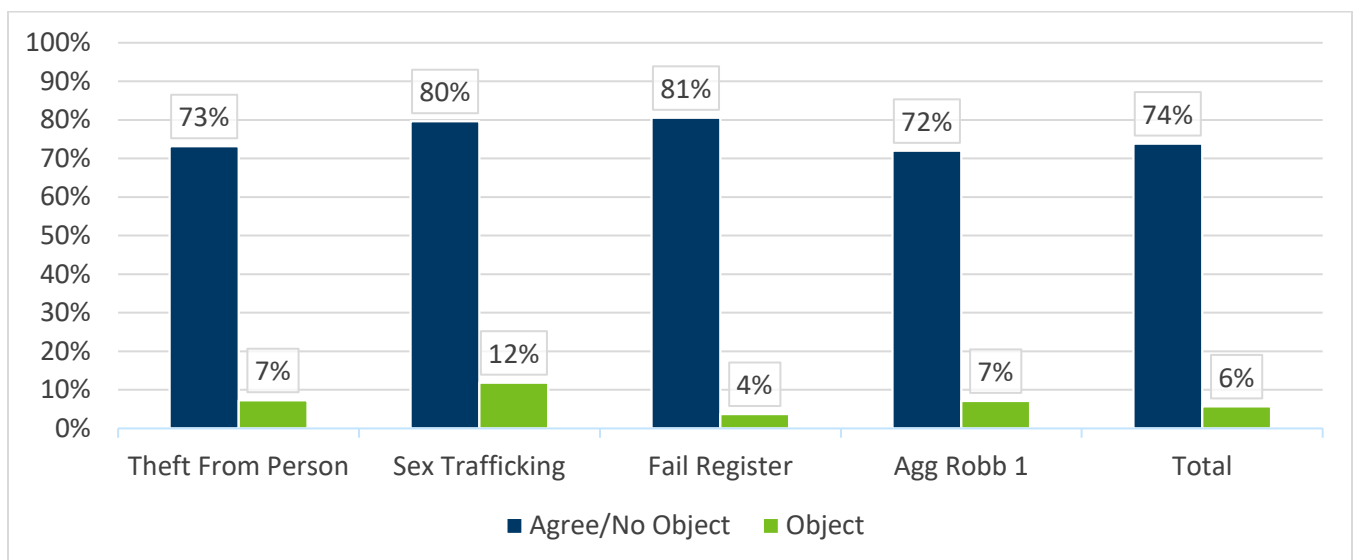
Figure 30. Aggravated and Mitigated Durational Departures Among Executed-Prison Cases for Select Offenses Compared to Total Rate, 2014–2023



Selection Criteria: Offenses with 50 or more executed prison cases sentenced (“N”) from 2014–2023, and the aggravated durational departure rate was over 10 percent; or there were 50 or more executed prison cases, and the mitigated durational departure rate was over 30 percent.

For the offenses with the highest rates of mitigated durational departures, most prosecutors agreed to the departure. Cases where the court stated that the prosecutor objected to the departure ranged from 3.7 percent for failure to register as a predatory offender, to 11.9 percent for sex trafficking (**Error! Not a valid bookmark self-reference.**).

Figure 31. Court-Cited Position of Prosecutor, Mitigated Durational Departures Among Executed Prison Sentences, Selected Offenses, 2014–2023



*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 50 or more executed prison cases and the mitigated durational departure rate was 30 percent or more.*

## **Sentencing Highlights: Sex, Race/Ethnicity, & Judicial Districts**

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Previous sections discussed variations—by sex, race or ethnicity, and judicial district—in mitigated dispositional departure rates for presumptive commitment cases (p. 32) and in mitigated durational departure rates for executed prison sentences (p. 41). With respect to mitigated departure rates among racial or ethnic groups whose members were sentenced in 2023 (Figure 32)—

- The White population had a higher dispositional departure rate than the total rate but a lower durational departure rate;
- The Black and Asian populations had lower dispositional departure rates than the total rate but higher durational departure rates; and
- The American Indian and Hispanic populations had lower dispositional and durational departure rates than the total rate.

With respect to mitigated departure rates among judicial districts (Figure 33, p. 45)—

- The Second and Fourth districts (including St. Paul and Minneapolis, respectively) had higher dispositional and durational departure rates than average.
- The Fifth, Seventh, Eighth, and Ninth districts (including Mankato, St. Cloud, Willmar, and Bemidji, respectively) had lower dispositional and durational departure rates than average.

Recall from Figure 7 (p. 18) that racial or ethnic composition varies by Minnesota judicial district. When reviewing Figure 32, 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.

Figure 32. Mitigated Departure Rates by Sex & Race/Ethnicity, 2023

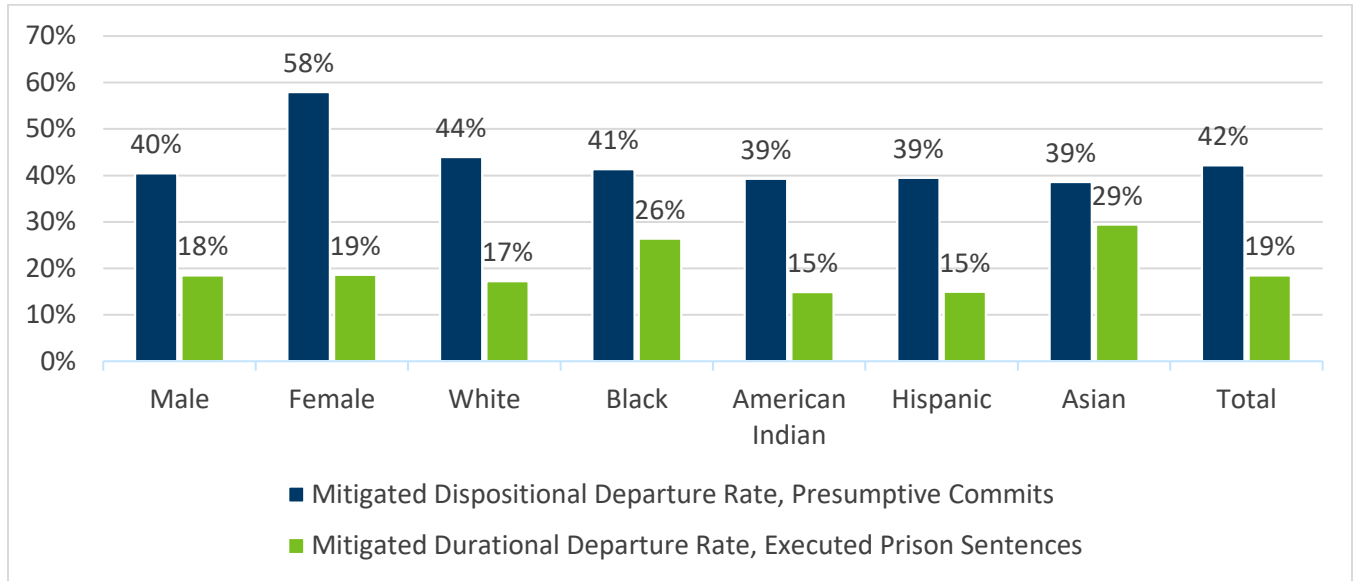
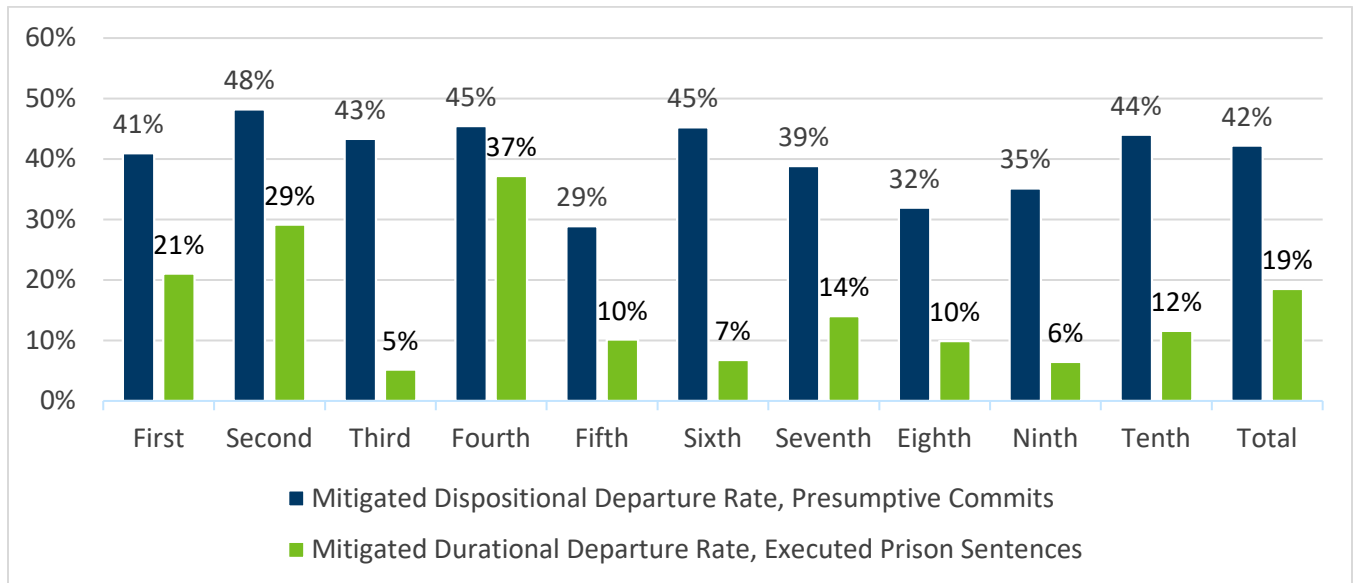


Figure 33. Mitigated Departure Rates by Minnesota Judicial District, 2023



# Data Tables

## Case Volume and Distribution Tables

Table 5. Annual Percent Change in Number of Cases Sentenced for Felony Convictions, 1981–2023

Year Sentenced	Cases Sentenced	Percent Change from Previous Year
2023	16,028	-1%
2022	16,259	+15%
2021	14,429	+25%
2020	11,517	-34%
2019	17,335	-5%
2018	18,284	0%
2017	18,288	+8%
2016	16,927	+1%
2015	16,763	+4%
2014	16,145	+5%
2013	15,318	+1%
2012	15,207	+4%
2011	14,571	+2%
2010	14,311	-4%
2009	14,840	-4%
2008	15,394	-5%
2007	16,167	-2%
2006	16,443	+6%
2005	15,460	+5%
2004	14,751	+2%
2003	14,492	+12%
2002	12,977	+20%

Year Sentenced	Cases Sentenced	Percent Change from Previous Year
2001	10,796	+4%
2000	10,395	-2%
1999	10,634	-2%
1998	10,887	+11%
1997	9,847	+4%
1996	9,480	+1%
1995	9,421	-4%
1994	9,787	+2%
1993	9,637	+3%
1992	9,325	+2%
1991	9,161	+4%
1990	8,844	+11%
1989	7,974	+5%
1988	7,572	+13%
1987	6,674	+11%
1986	6,032	-3%
1985	6,236	+8%
1984	5,792	+4%
1983	5,562	-8%
1982	6,066	+10%
1981	5,500	N/A

Table 6. Volume of Cases by Offense Type, 1981–2023

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense <sup>17</sup>		Weapon		Other <sup>18, 19</sup>		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2023	4,937	30.8	4,038	25.2	3,878	24.2	684	4.3	453	2.8	960	6.0	1,078	6.7	16,028
2022	4,929	30.3	4,123	25.4	4,342	26.7	583	3.6	437	2.7	844	5.2	1,001	6.2	16,259
2021	4,437	30.8	3,784	26.2	3,912	27.1	525	3.6	383	2.7	580	4.0	808	5.6	14,429
2020	3,687	32.0	2,858	24.8	3,205	27.8	407	3.5	300	2.6	435	3.8	625	5.4	11,517
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
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

<sup>17</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>18</sup> “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

<sup>19</sup> “Other” includes non-CSC sex offenses and weapon offenses before 2011.

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense <sup>17</sup>		Weapon		Other <sup>18, 19</sup>		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
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 Gender, 1981–2023

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
2023	16,028	13,017	81.2	3,007	18.8
2022	16,259	13,237	81.4	3,022	18.6
2021	14,429	11,715	81.2	2,712	18.8
2020	11,517	9,470	82.2	2,046	17.8
2019	17,335	13,937	80.4	3,398	19.6
2018	18,284	14,566	79.7	3,717	20.3
2017	18,288	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
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

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
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 8. Volume of Cases by Race/Ethnicity, 1981–2023

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		#	%	#	%	#	%	#	%	#	%	#	%
2023	16,028	8,397	52.4	4,673	29.2	1,468	9.2	1,021	6.4	464	2.9	1	0.0
2022	16,259	9,025	55.5	4,309	26.5	1,508	9.3	925	5.7	488	3.0	4	0.0
2021	14,429	8,217	56.9	3,684	25.5	1,348	9.3	788	5.5	389	2.7	1	0.0
2020	11,517	6,523	56.6	2,993	26.0	1,064	9.2	614	5.3	310	2.7	12	0.2
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
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

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		#	%	#	%	#	%	#	%	#	%	#	%
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 9. Offense Type by Race, 2023

Category/ Offense Title	Total Number *	White	Black	American Indian	Hispanic	Asian	Other
<b>Person Offenses</b>	<b>4,937</b>	<b>44.0%</b>	<b>36.9%</b>	<b>8.4%</b>	<b>8.1%</b>	<b>2.5%</b>	<b>0.0%</b>
Accidents	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Aggravated Robbery 1	99	15.2%	68.7%	8.1%	5.1%	3.0%	0.0%
Aggravated Robbery 2	29	20.7%	69.0%	3.4%	6.9%	0.0%	0.0%
Assault 1	55	27.3%	52.7%	7.3%	9.1%	3.6%	0.0%
Assault 2	345	39.4%	40.0%	10.1%	8.4%	2.0%	0.0%
Assault 3	328	37.2%	41.8%	7.3%	11.3%	2.4%	0.0%
Assault 4	253	49.0%	29.2%	10.7%	9.5%	1.6%	0.0%
Assault 5	77	32.5%	46.8%	18.2%	2.6%	0.0%	0.0%
Burglary 1 (severity=8)	50	44.0%	48.0%	4.0%	4.0%	0.0%	0.0%
Criminal Sexual Conduct (CSC) 1 <sup>st</sup> Degree	159	43.4%	27.7%	5.7%	16.4%	6.9%	0.0%
CSC 2 <sup>nd</sup> Degree	157	52.9%	15.3%	6.4%	19.7%	5.7%	0.0%
CSC 3 <sup>rd</sup> Degree	163	49.7%	30.1%	1.8%	14.7%	3.7%	0.0%
CSC 4 <sup>th</sup> Degree	66	47.0%	24.2%	9.1%	18.2%	0.0%	1.5%
CSC 5 <sup>th</sup> Degree	17	35.3%	58.8%	0.0%	5.9%	0.0%	0.0%
Criminal Vehicular Homicide	41	53.7%	29.3%	2.4%	7.3%	7.3%	0.0%
Crim. Vehicular Injury (severity=3)	91	62.6%	16.5%	5.5%	7.7%	7.7%	0.0%
Crim. Vehicular Injury (severity=5)	25	56.0%	16.0%	12.0%	12.0%	4.0%	0.0%
Domestic Assault	454	45.2%	34.8%	13.0%	6.8%	0.2%	0.0%
Dom. Aslt. Strangulation	215	47.4%	35.8%	7.9%	7.4%	1.4%	0.0%
Drive-by Shooting	15	26.7%	53.3%	6.7%	6.7%	6.7%	0.0%
False Imprisonment	5	60.0%	20.0%	0.0%	20.0%	0.0%	0.0%
Interference with Privacy	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Kidnapping(severity=8/9)	3	33.3%	66.7%	0.0%	0.0%	0.0%	0.0%
Kidnapping (severity=6)	2	50.0%	0.0%	0.0%	50.0%	0.0%	0.0%
Malicious Punish. of Child	20	65.0%	20.0%	0.0%	10.0%	5.0%	0.0%
Manslaughter 1 (severity 8)	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%

\* Includes "unknown/other" race type.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Manslaughter 1 (severity=9)	7	42.9%	57.1%	0.0%	0.0%	0.0%	0.0%
Manslaughter 2 (severity=8)	27	37.0%	37.0%	18.5%	3.7%	3.7%	0.0%
Murder 1	23	65.2%	21.7%	13.0%	0.0%	0.0%	0.0%
Murder 2 (severity=10)	42	21.4%	64.3%	4.8%	4.8%	4.8%	0.0%
Murder 2 (severity=11)	87	26.4%	63.2%	4.6%	4.6%	1.1%	0.0%
Murder 3 (severity=9/10)	33	42.4%	39.4%	15.2%	3.0%	0.0%	0.0%
Nonconsensual Dissemination of Private Sexual Images	15	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
Parental Rights	14	42.9%	35.7%	14.3%	7.1%	0.0%	0.0%
Prostitution	45	44.4%	31.1%	0.0%	11.1%	13.3%	0.0%
Simple Robbery	149	14.1%	72.5%	6.0%	6.0%	1.3%	0.0%
Solicit Minor for Sex	46	82.6%	8.7%	0.0%	6.5%	2.2%	0.0%
Stalking (severity=4)	18	55.6%	27.8%	5.6%	11.1%	0.0%	0.0%
Stalking (severity=5)	66	68.2%	13.6%	6.1%	10.6%	1.5%	0.0%
Terroristic Threats (severity=1, 2)	35	45.7%	34.3%	5.7%	5.7%	8.6%	0.0%
Terroristic Threats (severity=4)	794	47.0%	35.5%	7.7%	6.5%	3.3%	0.0%
Violate Restraining Order	821	46.8%	35.9%	10.0%	5.8%	1.5%	0.0%
Other Person Offenses**	28	53.6%	32.1%	14.3%	0.0%	0.0%	0.0%

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\* 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>4,038</b>	<b>54.6%</b>	<b>27.3%</b>	<b>8.6%</b>	<b>5.0%</b>	<b>4.5%</b>	<b>0.0%</b>
Arson 1	25	72.0%	16.0%	8.0%	4.0%	0.0%	0.0%
Arson 2	25	52.0%	36.0%	8.0%	4.0%	0.0%	0.0%
Arson 3	5	60.0%	40.0%	0.0%	0.0%	0.0%	0.0%
Burglary 1 (severity=6)	125	50.4%	34.4%	3.2%	5.6%	6.4%	0.0%
Burglary 2 (severity=4)	60	61.7%	20.0%	3.3%	10.0%	5.0%	0.0%
Burglary 2 (severity=5)	248	57.3%	21.8%	9.3%	8.5%	3.2%	0.0%
Burglary 3	391	60.9%	22.3%	11.3%	4.3%	1.3%	0.0%
Check Forgery (severity=1)	14	78.6%	0.0%	14.3%	0.0%	7.1%	0.0%
Check Forgery (severity=2)	196	68.9%	16.8%	9.2%	3.1%	2.0%	0.0%
Check Forgery (severity=3)	79	67.1%	20.3%	3.8%	7.6%	1.3%	0.0%
Check Forgery (severity=5)	3	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
Counterfeit Check	16	68.8%	18.8%	6.3%	0.0%	6.3%	0.0%
Counterfeit Currency	17	35.3%	47.1%	5.9%	0.0%	11.8%	0.0%
Criminal Damage Property	250	52.0%	26.8%	9.2%	5.2%	6.8%	0.0%
Financial Transaction Card Fraud	215	49.8%	35.3%	7.9%	4.2%	2.8%	0.0%
Identity Theft	90	58.9%	31.1%	2.2%	5.6%	2.2%	0.0%
Issue Dishonored Check	41	75.6%	7.3%	9.8%	4.9%	2.4%	0.0%
Mail Theft	46	80.4%	13.0%	2.2%	0.0%	4.3%	0.0%
MV Use w/o Consent (severity=3)	412	47.1%	21.8%	15.3%	7.0%	8.7%	0.0%
Other Forgery	13	53.8%	30.8%	0.0%	15.4%	0.0%	0.0%
Poss. Shoplifting Gear	12	50.0%	25.0%	25.0%	0.0%	0.0%	0.0%
Possess Burglary Tools	119	52.1%	15.1%	7.6%	3.4%	21.8%	0.0%
Receiving Stolen Property	459	56.4%	20.7%	9.4%	7.2%	6.3%	0.0%
Theft	956	49.8%	38.7%	6.4%	3.0%	2.1%	0.0%
Theft from Person	26	7.7%	84.6%	3.8%	3.8%	0.0%	0.0%
Theft of a Firearm	24	70.8%	16.7%	4.2%	8.3%	0.0%	0.0%
Theft of MV (severity=4)	50	50.0%	24.0%	16.0%	4.0%	6.0%	0.0%
Theft Over \$35,000	39	56.4%	28.2%	0.0%	0.0%	12.8%	0.0%
Wrongful Obtain. Assist.	39	51.3%	25.6%	5.1%	12.8%	5.1%	0.0%
Other Property Offenses.**	43	53.5%	27.9%	14.0%	2.3%	2.3%	0.0%

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

<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>
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Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
<b>Drug Offenses</b>	<b>3,878</b>	<b>64.4%</b>	<b>16.6%</b>	<b>11.0%</b>	<b>5.9%</b>	<b>2.1%</b>	<b>0.0%</b>
Controlled Substance 1	358	61.2%	19.8%	6.4%	10.6%	2.0%	0.0%
Controlled Substance 2	318	61.0%	19.2%	7.5%	9.1%	3.1%	0.0%
Controlled Substance 3	587	54.7%	27.4%	10.1%	5.1%	2.7%	0.0%
Controlled Substance 4	47	66.0%	14.9%	12.8%	6.4%	0.0%	0.0%
Controlled Substance 5	2,532	67.2%	13.4%	12.4%	5.1%	1.9%	0.0%
Other Drug Offenses**	36	83.3%	11.1%	2.8%	2.8%	0.0%	0.0%
<b>Felony DWI</b>	<b>684</b>	<b>53.8%</b>	<b>25.0%</b>	<b>12.0%</b>	<b>7.7%</b>	<b>1.5%</b>	<b>0.0%</b>
<b>Non-CSC Sex Offense</b>	<b>453</b>	<b>61.1%</b>	<b>21.0%</b>	<b>10.4%</b>	<b>5.3%</b>	<b>2.2%</b>	<b>0.0%</b>
Child Pornography	150	84.0%	4.0%	2.7%	6.0%	3.3%	0.0%
Fail to Register-Predatory Offender	300	50.0%	29.0%	14.3%	5.0%	1.7%	0.0%
Use Minors Sex. Performance	5	40.0%	40.0%	0.0%	20.0%	0.0%	0.0%
Indecent Exposure	3	33.3%	66.7%	0.0%	0.0%	0.0%	0.0%
<b>Weapons</b>	<b>960</b>	<b>29.9%</b>	<b>57.2%</b>	<b>6.0%</b>	<b>4.2%</b>	<b>2.7%</b>	<b>0.0%</b>
Discharge Firearm	79	39.2%	49.4%	3.8%	3.8%	3.8%	0.0%
Felon with Gun	749	28.0%	58.7%	6.4%	4.1%	2.7%	0.0%
Other Weapon Related	133	33.1%	54.1%	5.3%	4.5%	3.0%	0.0%
<b>Other Offenses</b>	<b>1,078</b>	<b>55.0%</b>	<b>26.7%</b>	<b>8.6%</b>	<b>6.6%</b>	<b>2.8%</b>	<b>0.0%</b>
Accomplice After Fact	14	42.9%	42.9%	7.1%	7.1%	0.0%	0.0%
Aid Offender	29	37.9%	44.8%	6.9%	10.3%	0.0%	0.0%
Bribery	4	50.0%	25.0%	25.0%	0.0%	0.0%	0.0%
Escape (severity=3)	37	54.1%	10.8%	32.4%	0.0%	2.7%	0.0%
Failure to Appear	11	72.7%	18.2%	9.1%	0.0%	0.0%	0.0%
Flee Police in MV	879	55.1%	27.6%	7.6%	6.7%	3.0%	0.0%
Lottery Fraud	10	60.0%	30.0%	10.0%	0.0%	0.0%	0.0%
Obstruct Legal Process	12	58.3%	16.7%	8.3%	16.7%	0.0%	0.0%
Perjury	3	66.7%	0.0%	0.0%	33.3%	0.0%	0.0%
Tamper with Witness	4	50.0%	25.0%	25.0%	0.0%	0.0%	0.0%
Tax Offenses	31	71.0%	9.7%	0.0%	3.2%	6.5%	0.0%
Not Listed Elsewhere**	51	45.1%	29.4%	15.7%	5.9%	3.9%	0.0%
<b>Total</b>	<b>16,028</b>	<b>52.4%</b>	<b>29.2%</b>	<b>9.2%</b>	<b>6.4%</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 10. Volume of Cases by Judicial District, 1981–2023

Year	Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
2023	1,993	1,761	1,086	2,890	891	708	1,796	546	1,715	2,642
2022	2,372	1,506	1,198	2,815	1,025	725	1,802	514	1,702	2,600
2021	2,061	1,352	955	2,541	964	702	1,693	532	1,490	2,139
2020	1,470	956	864	2,299	851	547	1,280	332	1,151	1,767
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

Year	Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
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

Table 11. Sentencing Decisions by Offense Type, 2023

Offense Type	Cases	Presumptive Disposition		Dispositional Departure (presumptive stays)		Dispositional Departure (presumptive commits)		Presumptive Stay Cases Where Defendant Demanded Prison		Disposition Pronounced by the Court at Sentencing	
		Stay	Commit	None	Aggravated	None	Mitigated	None	Executed	Stay (Probation)	Commit (Prison)
Person	4,937	2758	2179	2756	2	1371	808	2696	62	3499	1438
		55.9%	44.1%	99.9%	0.1%	62.9%	37.1%	97.8%	2.2%	70.9%	29.1%
Property	4,038	2788	1250	2785	3	712	538	2696	92	3229	809
		69.0%	31.0%	99.9%	0.1%	57.0%	43.0%	96.7%	3.3%	80.0%	20.0%
Drug	3,878	2677	1201	2662	15	679	522	2547	130	3048	830
		69.0%	31.0%	99.4%	0.6%	56.5%	43.5%	95.1%	4.9%	78.6%	21.4%
Non-CSC Sex Grid	453	100	353	100	0	181	172	97	3	269	184
		22.1%	77.9%	100.0%	0.0%	51.3%	48.7%	97.0%	3.0%	59.4%	40.6%
Felony DWI	684	288	396	288	0	171	225	286	2	511	173
		42.1%	57.9%	100.0%	0.0%	43.2%	56.8%	99.3%	0.7%	74.7%	25.3%
Weapons	960	183	777	183	0	434	343	179	4	522	438
		19.1%	80.9%	100.0%	0.0%	55.9%	44.1%	97.8%	2.2%	54.4%	45.6%
Other	1,078	866	212	860	6	133	79	844	22	918	160
		80.3%	19.7%	99.3%	0.7%	62.7%	37.3%	97.5%	2.5%	85.2%	14.8%
All Felonies	16,028	9,660	6,368	9,634	26	3,681	2,687	9,345	315	11,996	4,032
		60.3%	39.7%	99.7%	0.3%	57.8%	42.2%	96.7%	3.3%	74.8%	25.2%

Note: Due to a data anomaly, this table overstates both presumptive commitments and mitigated dispositional departures by six cases. See footnote 12 (p. 28).

**How to read Table 12:** 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 12. Volume of Cases by Severity-Level Group & Criminal-History Group, 1978, 1981–2023

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
2023	11,078	69.1	3,395	21.2	1,555	9.7	5,570	34.8	5,420	33.8	5,038	31.4
2022	11,551	71.0	3,179	19.6	1,526	9.4	5,369	33.0	5,753	35.4	5,137	31.6
2021	10,465	72.5	2,663	18.5	1,301	9.0	4,591	31.8	5,519	38.2	4,319	29.9
2020	8,307	72.1	2,142	18.6	1,068	9.3	3,519	30.6	4,707	40.9	3,291	28.6
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

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
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
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 13, 14, & 15:** The format of these tables mirrors the format 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 2023, 658 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, 47.6 percent had a Criminal History Score of 0 (the row percent). Of the cases at a Criminal History Score of 0, 16.8 percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2023, 1,065 cases were sentenced using the Sex Offender Grid. Those cases are excluded from the Standard Grid and Drug Offender Grid.

The Drug Offender Grid went into effect August 1, 2016. In 2023, 3,861 cases were sentenced using the Drug Offender Grid. Those cases are excluded from the Standard Grid and Sex Offender Grid.

Table 13. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Standard Grid, 2023

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Murder 1</b>	9 39.1% 0.2%	2 8.7% 0.1%	3 13.0% 0.2%	1 4.3% 0.1%	3 13.0% 0.3%	2 8.7% 0.3%	3 13.0% 0.2%	23 100.0% 0.2%
<b>Severity Level 11</b>	32 36.4% 0.8%	10 11.4% 0.7%	6 6.8% 0.5%	11 12.5% 1.0%	11 12.5% 1.2%	4 4.5% 0.5%	14 15.9% 0.8%	88 100.0% 0.8%
<b>Severity Level 10</b>	22 46.8% 0.6%	3 6.4% 0.2%	4 8.5% 0.3%	3 6.4% 0.3%	4 8.5% 0.4%	7 14.9% 0.9%	4 8.5% 0.2%	47 100.0% 0.4%
<b>Severity Level 9</b>	58 56.3% 1.5%	9 8.7% 0.7%	15 14.6% 1.2%	5 4.9% 0.5%	5 4.9% 0.5%	2 1.9% 0.3%	9 8.7% 0.5%	103 100.0% 0.9%
<b>Severity Level 8</b>	145 47.2% 3.7%	35 11.4% 2.6%	28 9.1% 2.3%	19 6.2% 1.7%	18 5.9% 1.9%	10 3.3% 1.3%	52 16.9% 2.8%	307 100.0% 2.8%
<b>Severity Level 7</b>	217 31.4% 5.5%	124 17.9% 9.2%	85 12.3% 7.1%	67 9.7% 6.2%	67 9.7% 7.2%	48 6.9% 6.3%	84 12.1% 4.5%	692 100.0% 6.2%
<b>Severity Level 6</b>	344 26.4% 8.8%	176 13.5% 13.0%	164 12.6% 13.6%	153 11.7% 14.0%	137 10.5% 14.7%	114 8.7% 15.1%	215 16.5% 11.6%	1303 100.0% 11.7%
<b>Severity Level 5</b>	242 43.1% 6.2%	66 11.7% 4.9%	59 10.5% 4.9%	49 8.7% 4.5%	45 8.0% 4.8%	27 4.8% 3.6%	74 13.2% 4.0%	562 100.0% 5.1%
<b>Severity Level 4</b>	1148 34.4% 29.3%	389 11.7% 28.8%	392 11.8% 32.5%	372 11.2% 34.2%	285 8.5% 30.6%	248 7.4% 32.8%	501 15.0% 27.1%	3335 100.0% 30.0%
<b>Severity Level 3</b>	480 35.3% 12.2%	161 11.8% 11.9%	148 10.9% 12.3%	140 10.3% 12.9%	83 6.1% 8.9%	68 5.0% 9.0%	280 20.6% 15.1%	1360 100.0% 12.3%
<b>Severity Level 2</b>	564 29.7% 14.4%	226 11.9% 16.8%	176 9.3% 14.6%	175 9.2% 16.1%	188 9.9% 20.2%	160 8.4% 21.1%	412 21.7% 22.3%	1901 100.0% 17.1%
<b>Severity Level 1</b>	658 47.6% 16.8%	148 10.7% 11.0%	125 9.1% 10.4%	94 6.8% 8.6%	86 6.2% 9.2%	67 4.9% 8.9%	203 14.7% 11.0%	1381 100.0% 12.4%
<b>Column Total</b>	3919 35.3% 100.0%	1349 12.2% 100.0%	1205 10.9% 100.0%	1089 9.8% 100.0%	932 8.4% 100.0%	757 6.8% 100.0%	1851 16.7% 100.0%	11102 100.0% 100.0%

Table 14. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Sex Offender Grid, 2023

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level A	87	13	6	19	4	8	14	151
	57.6%	8.6%	4.0%	12.6%	2.6%	5.3%	9.3%	100.0%
	19.4%	11.4%	6.7%	16.4%	4.3%	11.4%	10.5%	14.2%
Severity Level B	34	0	2	0	3	1	4	44
	77.3%	0.0%	4.5%	0.0%	6.8%	2.3%	9.1%	100.0%
	7.6%	0.0%	2.2%	0.0%	3.2%	1.4%	3.0%	4.1%
Severity Level C	70	8	7	7	7	7	7	113
	61.9%	7.1%	6.2%	6.2%	6.2%	6.2%	6.2%	100.0%
	15.6%	7.0%	7.8%	6.0%	7.4%	10.0%	5.3%	10.6%
Severity Level D	110	13	16	11	9	2	13	174
	63.2%	7.5%	9.2%	6.3%	5.2%	1.1%	7.5%	100.0%
	24.6%	11.4%	17.8%	9.5%	9.6%	2.9%	9.8%	16.3%
Severity Level E	32	13	3	12	9	2	8	79
	40.5%	16.5%	3.8%	15.2%	11.4%	2.5%	10.1%	100.0%
	7.1%	11.4%	3.3%	10.3%	9.6%	2.9%	6.0%	7.4%
Severity Level F	21	5	8	6	8	3	4	55
	38.2%	9.1%	14.5%	10.9%	14.5%	5.5%	7.3%	100.0%
	4.7%	4.4%	8.9%	5.2%	8.5%	4.3%	3.0%	5.2%
Severity Level G	65	22	15	15	9	6	4	136
	47.8%	16.2%	11.0%	11.0%	6.6%	4.4%	2.9%	100.0%
	14.5%	19.3%	16.7%	12.9%	9.6%	8.6%	3.0%	12.8%
Severity Level H	19	38	33	46	45	41	79	301
	6.3%	12.6%	11.0%	15.3%	15.0%	13.6%	26.2%	100.0%
	4.2%	33.3%	36.7%	39.7%	47.9%	58.6%	59.4%	28.3%
Severity Level I	10	2	0	0	0	0	0	12
	83.3%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	2.2%	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%	1.1%
Column Total	448	114	90	116	94	70	133	1,065
	42.1%	10.7%	8.5%	10.9%	8.8%	6.6%	12.5%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 15. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Drug Offender Grid, 2023

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Severity Level D9</b>	3 25.0% 0.2%	0 0.0% 0.0%	2 16.7% 0.4%	1 8.3% 0.2%	1 8.3% 0.3%	1 8.3% 0.4%	4 33.3% 0.7%	12 100.0% 0.3%
<b>Severity Level D8</b>	123 35.3% 10.2%	30 8.6% 5.6%	33 9.5% 6.8%	37 10.6% 8.4%	24 6.9% 7.1%	32 9.2% 12.0%	69 19.8% 11.5%	348 100.0% 9.0%
<b>Severity Level D7</b>	112 35.1% 9.3%	39 12.2% 7.3%	43 13.5% 8.9%	36 11.3% 8.2%	30 9.4% 8.9%	17 5.3% 6.4%	42 13.2% 7.0%	319 100.0% 8.3%
<b>Severity Level D6</b>	172 29.4% 14.3%	76 13.0% 14.2%	77 13.2% 15.9%	55 9.4% 12.6%	53 9.1% 15.7%	37 6.3% 13.9%	115 19.7% 19.2%	585 100.0% 15.2%
<b>Severity Level D5</b>	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%
<b>Severity Level D4</b>	10 21.3% 0.8%	6 12.8% 1.1%	3 6.4% 0.6%	10 21.3% 2.3%	8 17.0% 2.4%	3 6.4% 1.1%	7 14.9% 1.2%	47 100.0% 1.2%
<b>Severity Level D3</b>	19 57.6% 1.6%	5 15.2% 0.9%	1 3.0% 0.2%	2 6.1% 0.5%	2 6.1% 0.6%	2 6.1% 0.8%	2 6.1% 0.3%	33 100.0% 0.9%
<b>Severity Level D2</b>	763 30.3% 63.4%	380 15.1% 70.9%	324 12.9% 67.1%	297 11.8% 67.8%	219 8.7% 65.0%	174 6.9% 65.4%	359 14.3% 60.0%	2,516 100.0% 65.2%
<b>Severity Level D1</b>	1 100.0% 0.1%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	0 0.0% 0.0%	1 100.0% 0.0%
<b>Column Total</b>	1,203 31.2% 100.0%	536 13.9% 100.0%	483 12.5% 100.0%	438 11.3% 100.0%	337 8.7% 100.0%	266 6.9% 100.0%	598 15.5% 100.0%	3,861 100.0% 100.0%

## Incarceration Tables

Table 16. Incarceration Rates by Sex, Race/Ethnicity, & Judicial District, 2023

	Total Number	Total Incarceration*		Local Confinement		State Prison				
		Number	Rate (%)	Number	Rate (%)	Number	2023 Rate (%)	2018–22 5-Yr. Rate	2019–23 5-Yr. Rate	
Male	13,017	11,351	87.2	7,638	58.7	3,694	28.4	26.7	27.1	
Female	3,007	2,458	81.7	2,119	70.5	338	11.2	9.9	10.0	
Race & Ethnicity	White	8,397	7,107	84.6	5,193	61.8	1,908	22.7	20.6	21.3
	Black	4,673	4,098	87.7	2,715	58.1	1,375	29.4	28.8	28.7
	American Indian	1,468	1,300	88.6	922	62.8	376	25.6	24.3	24.8
	Hispanic	1,021	892	87.4	636	62.3	254	24.9	26.2	25.7
	Asian	464	412	88.8	291	62.7	119	25.6	22.4	23.3
	Other/Unknown	1	0	0.0	-	0.0	0	0.0	0	0.0
Judicial District	First	1,993	1,697	85.1	1,232	61.8	461	23.1	19.2	20.2
	Second	1,761	1,635	92.8	1,160	65.9	470	26.7	24.5	25.0
	Third	1,086	823	75.8	552	50.8	271	25.0	24.2	24.4
	Fourth	2,890	2,376	82.2	1,605	55.5	766	26.5	25.7	25.7
	Fifth	891	812	91.1	595	66.8	217	24.4	21.3	22.3
	Sixth	708	593	83.8	429	60.6	162	22.9	21	21.8
	Seventh	1,796	1,644	91.5	1,187	66.1	456	25.4	26.7	26.2
	Eighth	546	508	93.0	356	65.2	152	27.8	23.8	24.9
	Ninth	1,715	1,366	79.7	902	52.6	464	27.1	25.9	26.8
	Tenth	2,642	2,355	89.1	1,739	65.8	613	23.2	20.9	21.4
<b>Total</b>	<b>16,028</b>	<b>13,809</b>	<b>86.2</b>	<b>9,757</b>	<b>60.9</b>	<b>4,032</b>	<b>25.2</b>	<b>23.4</b>	<b>23.9</b>	

\* "Total Incarceration" includes all sentences that included a prison sentences or local confinement time as a condition of a stayed sentence post-sentence.

Table 17. Volume of Cases Sentenced & Incarceration Rates by County, 2023

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2022	2023	Percent Change	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	85	69	-18.8	14	20.3	48	69.6	62	89.9
Anoka	833	899	7.9	196	21.8	576	64.1	772	85.9
Becker	148	141	-4.7	35	24.8	103	73.0	138	97.9
Beltrami	241	337	39.8	98	29.1	226	67.1	324	96.1
Benton	160	177	10.6	58	32.8	114	64.4	172	97.2
Big Stone	15	11	-26.7	5	45.5	5	45.5	10	90.9
Blue Earth	233	216	-7.3	63	29.2	133	61.6	196	90.7
Brown	74	73	-1.4	11	15.1	55	75.3	66	90.4
Carlton	87	109	25.3	21	19.3	80	73.4	101	92.7
Carver	143	170	18.9	52	30.6	79	46.5	131	77.1
Cass	156	119	-23.7	32	26.9	52	43.7	84	70.6
Chippewa	48	40	-16.7	15	37.5	23	57.5	38	95.0
Chisago	134	119	-11.2	30	25.2	82	68.9	112	94.1
Clay	293	288	-1.7	86	29.9	188	65.3	274	95.1
Clearwater	39	54	38.5	15	27.8	33	61.1	48	88.9
Cook	7	10	42.9	3	30.0	7	70.0	10	100.0
Cottonwood	35	27	-22.9	5	18.5	17	63.0	22	81.5
Crow Wing	313	261	-16.6	59	22.6	83	31.8	142	54.4
Dakota	1,187	1,032	-13.1	230	22.3	655	63.5	885	85.8
Dodge	45	26	-42.2	7	26.9	17	65.4	24	92.3
Douglas	111	100	-9.9	23	23.0	71	71.0	94	94.0
Faribault	42	11	-73.8	1	9.1	10	90.9	11	100.0
Fillmore	30	22	-26.7	5	22.7	13	59.1	18	81.8
Freeborn	115	140	21.7	43	30.7	83	59.3	126	90.0
Goodhue	182	128	-29.7	34	26.6	90	70.3	124	96.9
Grant	15	16	6.7	4	25.0	12	75.0	16	100.0
Hennepin	2,815	2,890	2.7	766	26.5	1,610	55.7	2,376	82.2
Houston	9	11	22.2	4	36.4	3	27.3	7	63.6
Hubbard	157	141	-10.2	31	22.0	103	73.0	134	95.0
Isanti	115	144	25.2	34	23.6	101	70.1	135	93.8
Itasca	205	186	-9.3	47	25.3	120	64.5	167	89.8
Jackson	14	36	157.1	10	27.8	22	61.1	32	88.9
Kanabec	86	70	-18.6	17	24.3	51	72.9	68	97.1
Kandiyohi	148	163	10.1	45	27.6	114	69.9	159	97.5
Kittson	1	3	200.0	2	66.7	1	33.3	3	100.0
Koochiching	47	57	21.3	14	24.6	37	64.9	51	89.5
Lac Qui Parle	19	20	5.3	2	10.0	17	85.0	19	95.0
Lake	18	21	16.7	4	19.0	9	42.9	13	61.9
Lake of the Woods	8	10	25.0	1	10.0	7	70.0	8	80.0

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2022	2023	Percent Change	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Le Sueur	60	48	-20.0	9	18.8	31	64.6	40	83.3
Lincoln	8	8	0.0	2	25.0	6	75.0	8	100.0
Lyon	92	81	-12.0	25	30.9	48	59.3	73	90.1
McLeod	117	123	5.1	28	22.8	87	70.7	115	93.5
Mahnomen	87	100	14.9	24	24.0	53	53.0	77	77.0
Marshall	15	19	26.7	5	26.3	3	15.8	8	42.1
Martin	111	57	-48.6	11	19.3	39	68.4	50	87.7
Meeker	52	65	25.0	17	26.2	42	64.6	59	90.8
Mille Lacs	173	149	-13.9	33	22.1	104	69.8	137	91.9
Morrison	99	89	-10.1	15	16.9	74	83.1	89	100.0
Mower	184	179	-2.7	51	28.5	34	19.0	85	47.5
Murray	14	16	14.3	7	43.8	9	56.3	16	100.0
Nicollet	73	45	-38.4	12	26.7	24	53.3	36	80.0
Nobles	131	103	-21.4	17	16.5	75	72.8	92	89.3
Norman	13	17	30.8	2	11.8	2	11.8	4	23.5
Olmsted	317	344	8.5	87	25.3	185	53.8	272	79.1
Otter Tail	189	168	-11.1	37	22.0	97	57.7	134	79.8
Pennington	41	48	17.1	14	29.2	14	29.2	28	58.3
Pine	159	167	5.0	39	23.4	100	59.9	139	83.2
Pipestone	50	50	0.0	10	20.0	39	78.0	49	98.0
Polk	262	264	0.8	97	36.7	109	41.3	206	78.0
Pope	5	10	100.0	1	10.0	6	60.0	7	70.0
Ramsey	1,506	1,761	16.9	470	26.7	1,165	66.2	1,635	92.8
Red Lake	7	11	57.1	6	54.5	1	9.1	7	63.6
Redwood	90	107	18.9	33	30.8	71	66.4	104	97.2
Renville	78	82	5.1	21	25.6	46	56.1	67	81.7
Rice	175	132	-24.6	28	21.2	79	59.8	107	81.1
Rock	14	14	0.0	1	7.1	10	71.4	11	78.6
Roseau	25	19	-24.0	3	15.8	10	52.6	13	68.4
St. Louis	613	568	-7.3	134	23.6	335	59.0	469	82.6
Scott	654	471	-28.0	103	21.9	282	59.9	385	81.7
Sherburne	320	295	-7.8	85	28.8	187	63.4	272	92.2
Sibley	29	21	-27.6	5	23.8	12	57.1	17	81.0
Stearns	543	609	12.2	150	24.6	384	63.1	534	87.7
Steele	119	72	-39.5	17	23.6	46	63.9	63	87.5
Stevens	14	17	21.4	4	23.5	11	64.7	15	88.2
Swift	30	21	-30.0	4	19.0	17	81.0	21	100.0
Todd	28	31	10.7	5	16.1	26	83.9	31	100.0
Traverse	12	15	25.0	3	20.0	11	73.3	14	93.3
Wabasha	55	43	-21.8	7	16.3	17	39.5	24	55.8
Wadena	58	44	-24.1	14	31.8	27	61.4	41	93.2
Waseca	50	40	-20.0	6	15.0	28	70.0	34	85.0

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2022	2023	Percent Change	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Washington	597	600	0.5	133	22.2	399	66.5	532	88.7
Watonwan	44	47	6.8	9	19.1	37	78.7	46	97.9
Wilkin	40	41	2.5	15	36.6	26	63.4	41	100.0
Winona	99	77	-22.2	16	20.8	47	61.0	63	81.8
Wright	356	348	-2.2	79	22.7	246	70.7	325	93.4
Yellow Medicine	38	45	18.4	16	35.6	26	57.8	42	93.3
<b>Total</b>	<b>16,259</b>	<b>16,028</b>	<b>-1.4</b>	<b>4,032</b>	<b>25.2</b>	<b>9,777</b>	<b>61.0</b>	<b>13,809</b>	<b>86.2</b>

**How to read Table 18:** 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 13,017 males sentenced in 2023, 57.8 percent received incarceration in a local correctional facility as a condition of a stayed sentence.

*Table 18. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender, 1978, 1981–2023*

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
2023	16,028	9,617	60.0	57.8	69.6
2022	16,259	9,623	59.2	57.4	67.1
2021	14,429	9,258	64.2	62.3	72.4
2020	11,517	7,749	67.3	65.2	76.8
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

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

Table 19. Incarceration in Local Correctional Facilities by Race/Ethnicity, 1978, 1981–2023

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
2023	16,028	9,617	60.0	61.2	57.0	61.6	61.4	60.1	0.0
2022	16,259	9,739	59.9	62.0	55.7	57.9	62.4	59.8	0.0
2021	14,429	9,258	64.2	65.6	60.7	63.9	64.8	66.3	100.0
2020	11,517	7,749	67.3	68.4	64.1	68.4	67.3	71.0	75.0
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

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
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
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

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 2,890 cases sentenced in the Fourth Judicial District in 2023, 54.4 percent received a sentence including incarceration in a local correctional facility.

*Table 20. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981–2023*

Year	Incarceration Rate (%) by Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
2023	60.9	63.1	50.2	54.4	66.1	60.3	65.8	64.8	52.4	65.3
2022	63.7	65.5	52.0	50.8	64.0	59.7	63.3	68.7	49.6	67.7
2021	68.1	74.3	57.7	52.3	66.5	66.0	68.1	70.9	54.9	70.9
2020	69.7	74.5	60.5	62.9	71.3	69.8	71.5	70.5	53.3	73.0
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

Year	Incarceration Rate (%) by Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
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

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 13,017 males sentenced in 2023, 44 percent had a presumptive prison disposition and 28.4 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 21. Presumptive and Actual Imprisonment Rates by Gender, 1978, 1981–2023*

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
2023	16,028	39.7	4,032	25.2	44.0	28.4	21.3	11.2
2022	16,259	38.4	4,159	25.6	42.8	28.9	19.5	11.1
2021	14,429	36.1	3,104	21.5	40.5	24.8	17.4	7.5
2020	11,517	35.5	2,602	22.6	39.6	25.4	16.2	9.4
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

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
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
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

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 8,397 people sentenced in 2023 who are white, 36.3 percent had a presumptive prison disposition and 22.7 percent received a sentence of imprisonment.

Table 22. Presumptive and Actual Imprisonment Rate by Race/Ethnicity, 1978, 1981–2023

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
2023	36.3	22.7	47.1	29.4	37.8	25.6	37.2	24.9	39.7	25.6	0.0	0.0
2022	34.9	22.5	47.4	30.7	35.3	27.9	35.6	27.2	40.2	27.9	0.0	0.0
2021	33.3	19.4	44.1	24.6	31.8	24.0	35.7	25.6	36.8	21.1	0.0	0.0
2020	31.9	20.1	44.8	27.7	33.5	23.6	33.6	24.8	31.3	18.1	0.0	0.0
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

\* 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
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
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

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 2,890 cases sentenced in the Fourth Judicial District in 2023, 46.7 percent had a recommended prison disposition and 26.5 percent received a sentence of incarceration in a state prison.

Table 23. Presumptive and Actual Imprisonment Rates by Minnesota Judicial District, 1978, 1981–2023

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.
2023	35.4	23.1	50.7	26.7	39.5	25.0	46.7	26.5	30.3	24.4	38.4	22.9	35.9	25.4	35.0	27.8	35.3	27.1	38.2	23.2
2022	32.3	20.7	52.7	30.3	40.4	26.4	45.2	28.3	33.5	23.6	40.1	25.4	37.4	27.9	30.7	25.1	33.8	27.6	34.3	22.0
2021	29.3	18.7	48.4	21.3	36.9	22.5	41.2	22.3	31.2	21.5	36.0	18.4	35.6	25.3	26.1	20.5	33.6	25.6	35.4	18.4
2020	30.1	20.3	46.5	24.4	35.6	23.4	40.8	23.5	28.9	20.1	33.8	18.1	33.2	24.2	25.6	22.9	35.5	28.1	34.0	19.8
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

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.
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
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

Table 24. Average Pronounced Prison Duration, Executed Sentences Only, 1981–2023

Year	Executed Prison Sentences (in months)
2023	55.9
2022	49.4
2021	54.0
2020	50.6
2019	48.4
2018	47.1
2017	46.0
2016	46.3
2015	45.0
2014	45.5
2013	45.2
2012	47.3
2011	45.6
2010	46.5
2009	42.8
2008	45.0
2007	44.8
2006	44.8
2005	45.7
2004	45.1
2003	51.2
2002	47.2
2001	49.8
2000	49.7
1999	47.9
1998	47.0
1997	44.5
1996	47.4
1995	48.5
1994	51.3
1993	46.9
1992	48.6
1991	45.2
1990	45.7
1989	37.7
1988	38.1
1987	36.3

Year	Executed Prison Sentences (in months)
1986	35.4
1985	38.4
1984	36.2
1983	36.5
1982	41.0
1981	38.3

Table 25. Average Local Confinement, 1981–2023

Year	Local Confinement (in days)
2023	88
2022	88
2021	87
2020	90
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
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
1991	106
1990	110
1989	110
1988	108
1987	116

Year	Local Confinement (in days)
1986	113
1985	120
1984	126
1983	132
1982	144
1981	166

## Departures Tables

Table 26. Dispositional Departures by Gender, Race, & Judicial District, 2023

		Total Number	Total Dispositional Departure Rate (%)	All Cases by Dispositional Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	13,017	17.9	10,684	82.1	17	0.1	2,316	17.8
	Female	3,007	12.6	2,627	87.4	9	0.3	371	12.3
Race/Ethnicity	White	8,397	16.1	7,043	83.9	16	0.2	1,338	15.9
	Black	4,673	19.6	3,757	80.4	6	0.1	910	19.5
	American Indian	1,468	15.0	1,248	85.0	2	0.1	218	14.9
	Hispanic	1,021	14.9	869	85.1	2	0.2	150	14.7
	Asian	464	15.3	393	84.7	0	0.0	71	15.3
	Other/ Unknown	1	0.0	1	100.0	0	0.0	0	0.0
	Judicial District	First	1,993	14.9	1,697	85.1	7	0.4	289
Second		1,761	24.5	1,330	75.5	1	0.1	430	24.4
Third		1,086	17.4	897	82.6	3	0.3	186	17.1
Fourth		2,890	21.2	2,277	78.8	0	0.0	613	21.2
Fifth		891	8.8	813	91.2	0	0.0	78	8.8
Sixth		708	17.5	584	82.5	1	0.1	123	17.4
Seventh		1,796	14.1	1,542	85.9	4	0.2	250	13.9
Eighth		546	11.2	485	88.8	0	0.0	61	11.2
Ninth		1,715	12.8	1,496	87.2	6	0.3	213	12.4
Tenth		2,642	17.0	2,194	83.0	4	0.2	444	16.8
	<b>Total</b>	<b>16,028</b>	<b>16.9</b>	<b>13,315</b>	<b>83.1</b>	<b>26</b>	<b>0.2</b>	<b>2,687</b>	<b>16.8</b>

Table 27. Dispositional Departures by Presumptive Disposition, by Sex, Race, & Judicial District, 2023

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2023 Rate (%)	2019–23 5-Yr. Rate
	Male	13,017	7,291	17	0.2	5,726	2,316	40.4	40.1
	Female	3,007	2,367	9	0.4	640	371	58.0	58.6
Race/Ethnicity	White	8,397	5,352	16	0.3	3,045	1,338	43.9	44.5
	Black	4,673	2,471	6	0.2	2,202	910	41.3	40.3
	American Indian	1,468	913	2	0.2	555	218	39.3	34.7
	Hispanic	1,021	641	2	0.3	380	150	39.5	36.3
	Asian	464	280	0	0.0	184	71	38.6	42.2
	Other/Unknown	1	1	0	0.0	0	0	0.0	0
		<b>Total</b>	<b>16,028</b>	<b>9,660</b>	<b>26</b>	<b>0.3</b>	<b>6,368</b>	<b>2,687</b>	<b>42.2</b>
Judicial District	First	1,993	1,287	7	0.5	706	289	40.9	41.7
	Second	1,761	869	1	0.1	892	430	48.2	50.4
	Third	1,086	657	3	0.5	429	186	43.4	43.7
	Fourth	2,890	1,541	0	0.0	1,349	613	45.4	41.8
	Fifth	891	621	0	0.0	270	78	28.9	38.7
	Sixth	708	436	1	0.2	272	123	45.2	46.5
	Seventh	1,796	1,152	4	0.3	644	250	38.8	35.2
	Eighth	546	355	0	0.0	191	61	31.9	30.8
	Ninth	1,715	1,109	6	0.5	606	213	35.1	34
	Tenth	2,642	1,633	4	0.2	1,009	444	44.0	44.4

Table 28. Dispositional Departure Rates by County, 2023

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Aitkin	69	55	79.7	42	0	0.0	27	14	51.9
Anoka	899	729	81.1	554	2	0.4	345	168	48.7
Becker	141	115	81.6	86	1	1.2	55	25	45.5
Beltrami	337	312	92.6	224	1	0.4	113	24	21.2
Benton	177	156	88.1	104	1	1.0	73	20	27.4
Big Stone	11	10	90.9	7	0	0.0	4	1	25.0
Blue Earth	216	202	93.5	143	0	0.0	73	14	19.2
Brown	73	63	86.3	52	0	0.0	21	10	47.6
Carlton	109	97	89.0	78	0	0.0	31	12	38.7
Carver	170	155	91.2	107	0	0.0	63	15	23.8
Cass	119	95	79.8	65	0	0.0	54	24	44.4
Chippewa	40	38	95.0	24	0	0.0	16	2	12.5
Chisago	119	100	84.0	70	0	0.0	49	19	38.8
Clay	288	259	89.9	189	0	0.0	99	29	29.3
Clearwater	54	51	94.4	38	0	0.0	16	3	18.8
Cook	10	9	90.0	6	0	0.0	4	1	25.0
Cottonwood	27	20	74.1	15	0	0.0	12	7	58.3
Crow Wing	261	221	84.7	171	0	0.0	90	40	44.4
Dakota	1,032	866	83.9	666	5	0.8	366	161	44.0
Dodge	26	17	65.4	12	1	8.3	14	8	57.1
Douglas	100	93	93.0	72	0	0.0	28	7	25.0
Faribault	11	11	100.0	11	0	0.0	0	0	---
Fillmore	22	22	100.0	17	0	0.0	5	0	0.0
Freeborn	140	132	94.3	93	0	0.0	47	8	17.0
Goodhue	128	101	78.9	74	1	1.4	54	26	48.1
Grant	16	13	81.3	9	0	0.0	7	3	42.9
Hennepin	2,890	2,277	78.8	1,541	0	0.0	1,349	613	45.4
Houston	11	8	72.7	8	1	12.5	3	2	66.7
Hubbard	141	138	97.9	108	0	0.0	33	3	9.1
Isanti	144	124	86.1	95	0	0.0	49	20	40.8
Itasca	186	148	79.6	107	0	0.0	79	38	48.1
Jackson	36	34	94.4	24	0	0.0	12	2	16.7
Kanabec	70	54	77.1	39	0	0.0	31	16	51.6
Kandiyohi	163	156	95.7	115	0	0.0	48	7	14.6
Kittson	3	2	66.7	0	0	---	3	1	33.3
Koochiching	57	53	93.0	39	0	0.0	18	4	22.2
Lac Qui Parle	20	18	90.0	16	0	0.0	4	2	50.0
Lake	21	20	95.2	16	0	0.0	5	1	20.0
Lake of the Woods	10	7	70.0	6	0	0.0	4	3	75.0
Le Sueur	48	36	75.0	27	0	0.0	21	12	57.1

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Lincoln	8	8	100.0	7	0	0.0	1	0	0.0
Lyon	81	74	91.4	51	0	0.0	30	7	23.3
McLeod	123	118	95.9	93	0	0.0	30	5	16.7
Mahnomen	100	87	87.0	67	0	0.0	33	13	39.4
Marshall	19	17	89.5	13	0	0.0	6	2	33.3
Martin	57	53	93.0	44	0	0.0	13	4	30.8
Meeker	65	52	80.0	37	0	0.0	28	13	46.4
Mille Lacs	149	120	80.5	95	1	1.1	54	28	51.9
Morrison	89	83	93.3	72	0	0.0	17	6	35.3
Mower	179	151	84.4	104	0	0.0	75	28	37.3
Murray	16	14	87.5	9	0	0.0	7	2	28.6
Nicollet	45	42	93.3	31	0	0.0	14	3	21.4
Nobles	103	96	93.2	80	0	0.0	23	7	30.4
Norman	17	16	94.1	14	0	0.0	3	1	33.3
Olmsted	344	264	76.7	184	0	0.0	160	80	50.0
Otter Tail	168	148	88.1	120	1	0.8	48	19	39.6
Pennington	48	41	85.4	30	0	0.0	18	7	38.9
Pine	167	143	85.6	108	0	0.0	59	24	40.7
Pipestone	50	40	80.0	36	0	0.0	14	10	71.4
Polk	264	229	86.7	166	5	3.0	98	30	30.6
Pope	10	7	70.0	6	0	0.0	4	3	75.0
Ramsey	1,761	1,330	75.5	869	1	0.1	892	430	48.2
Red Lake	11	9	81.8	7	0	0.0	4	2	50.0
Redwood	107	98	91.6	69	0	0.0	38	9	23.7
Renville	82	65	79.3	49	0	0.0	33	17	51.5
Rice	132	113	85.6	90	1	1.1	42	18	42.9
Rock	14	14	100.0	13	0	0.0	1	0	0.0
Roseau	19	15	78.9	12	0	0.0	7	4	57.1
St. Louis	568	458	80.6	336	1	0.3	232	109	47.0
Scott	471	403	85.6	306	1	0.3	165	67	40.6
Sherburne	295	260	88.1	180	0	0.0	115	35	30.4
Sibley	21	18	85.7	14	0	0.0	7	3	42.9
Stearns	609	500	82.1	365	0	0.0	244	109	44.7
Steele	72	59	81.9	42	0	0.0	30	13	43.3
Stevens	17	14	82.4	10	0	0.0	7	3	42.9
Swift	21	18	85.7	14	0	0.0	7	3	42.9
Todd	31	29	93.5	24	0	0.0	7	2	28.6
Traverse	15	15	100.0	13	0	0.0	2	0	0.0
Wabasha	43	37	86.0	31	0	0.0	12	6	50.0
Wadena	44	39	88.6	25	0	0.0	19	5	26.3
Waseca	40	30	75.0	25	0	0.0	15	10	66.7
Washington	600	474	79.0	348	1	0.3	252	125	49.6

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Watonwan	47	44	93.6	36	0	0.0	11	3	27.3
Wilkin	41	37	90.2	26	0	0.0	15	4	26.7
Winona	77	64	83.1	51	0	0.0	26	13	50.0
Wright	348	310	89.1	239	1	0.4	109	37	33.9
Yellow Medicine	45	42	93.3	29	0	0.0	16	3	18.8
<b>Total</b>	<b>16,028</b>	<b>13,315</b>	<b>83.1</b>	<b>9,660</b>	<b>26</b>	<b>0.3</b>	<b>6,368</b>	<b>2,687</b>	<b>42.2</b>

Table 29. Durational Departures, 1981–2023

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
2023	16,028	14.9	13,933	85.1	303 <sup>20</sup>	1.9	2,092	13.1
2022	16,259	16.2	13,624	83.8	527 <sup>21</sup>	3.2	2,108	13.0
2021	14,429	15.6	12,182	84.4	424 <sup>22</sup>	2.9	1,823	12.6
2020	11,517	13.8	9,931	86.2	179	1.6	1,394	12.1
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

<sup>20</sup> This includes 109 cases that were a departure from the new five-year presumptive probation cap, effective for crimes committed on or after August 1, 2020: Such a departure occurred in 0.7 percent of the 2023 cases.

<sup>21</sup> This includes 289 cases that were a departure from the new five-year presumptive probation cap, effective for crimes committed on or after August 1, 2020: Such a departure occurred in 1.8 percent of the 2022 cases.

<sup>22</sup> This includes 182 cases that were a departure from the new five-year presumptive probation cap, effective for crimes committed on or after August 1, 2020: Such a departure occurred in 1.3 percent of the 2021 cases.

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
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 30. Durational Departures by Gender, Race, & Judicial District, 2023

		Total Number	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	13,017	15.0	11,058	85.0	264	2.0	1,695	13.0
	Female	3,007	14.5	2,571	85.5	39	1.3	397	13.2
Race/Ethnicity	White	8,397	12.5	7,344	87.5	172	2.0	881	10.5
	Black	4,673	20.7	3,708	79.3	78	1.7	887	19.0
	American Indian	1,468	11.4	1,301	88.6	29	2.0	138	9.4
	Hispanic	1,021	12.5	893	87.5	20	2.0	108	10.6
	Asian	464	17.7	382	82.3	4	0.9	78	16.8
	Other/Unknown	1	0.0	1	100.0	0	0.0	0	0.0
	Judicial District	First	1,993	20.9	1,577	79.1	44	2.2	372
	Second	1,761	25.2	1,317	74.8	28	1.6	416	23.6
	Third	1,086	5.2	1,030	94.8	15	1.4	41	3.8
	Fourth	2,890	25.5	2,152	74.5	47	1.6	691	23.9
	Fifth	891	7.3	826	92.7	13	1.5	52	5.8
	Sixth	708	4.4	677	95.6	7	1.0	24	3.4
	Seventh	1,796	10.2	1,612	89.8	39	2.2	145	8.1
	Eighth	546	7.0	508	93.0	12	2.2	26	4.8
	Ninth	1,715	7.9	1,579	92.1	65	3.8	71	4.1
	Tenth	2,642	10.9	2,355	89.1	33	1.2	254	9.6
	<b>Total*</b>	<b>16,028</b>	<b>14.9</b>	<b>13,633</b>	<b>85.1</b>	<b>303</b>	<b>1.9</b>	<b>2,092</b>	<b>13.1</b>

Table 31. Durational Departures, Executed Prison Sentences, by Sex, Race/Ethnicity, & Judicial District, 2023

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2023 Rate	2019–23 5-Yr. Rate
	Male	3,694	20.9	2,922	79.1	89	2.4	683	18.5	19.9
	Female	338	20.4	269	79.6	6	1.8	63	18.6	17.7
Race/Ethnicity	White	1,908	16.2	1,598	83.8	41	2.1	269	14.1	15.4
	Black	1,375	28.8	979	71.2	37	2.7	359	26.1	27.5
	American Indian	376	17.6	310	82.4	8	2.1	58	15.4	15.7
	Hispanic	254	16.9	211	83.1	7	2.8	36	14.2	16.8
	Asian	119	21.8	93	78.2	2	1.7	24	20.2	25
	Other/Unknown	0	---	0	---	0	---	0	---	---
Judicial District	First	461	23.0	355	77.0	9	2.0	97	21.0	18.7
	Second	470	31.7	321	68.3	12	2.6	137	29.1	38.6
	Third	271	6.3	254	93.7	3	1.1	14	5.2	7.3
	Fourth	766	40.2	458	59.8	23	3.0	285	37.2	37.3
	Fifth	217	11.5	192	88.5	3	1.4	22	10.1	13.7
	Sixth	162	8.6	148	91.4	3	1.9	11	6.8	7.8
	Seventh	456	16.4	381	83.6	11	2.4	64	14.0	13.9
	Eighth	152	12.5	133	87.5	4	2.6	15	9.9	5.7
	Ninth	464	9.3	421	90.7	13	2.8	30	6.5	8.4
	Tenth	613	13.9	528	86.1	14	2.3	71	11.6	11.4
	<b>Total</b>	<b>4,032</b>	<b>20.9</b>	<b>3,191</b>	<b>79.1</b>	<b>95</b>	<b>2.4</b>	<b>746</b>	<b>18.5</b>	<b>19.7</b>

Table 32. Durational Departures by County for Cases Receiving an Executed Prison Sentence, 2023

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	14	13	92.9	1	7.1	0	0.0
Anoka	196	171	87.2	6	3.1	19	9.7
Becker	35	33	94.3	1	2.9	1	2.9
Beltrami	98	90	91.8	1	1.0	7	7.1
Benton	58	54	93.1	1	1.7	3	5.2
Big Stone	5	3	60.0	0	0.0	2	40.0
Blue Earth	63	55	87.3	0	0.0	8	12.7
Brown	11	10	90.9	0	0.0	1	9.1
Carlton	21	20	95.2	0	0.0	1	4.8
Carver	52	43	82.7	2	3.8	7	13.5
Cass	32	30	93.8	1	3.1	1	3.1
Chippewa	15	13	86.7	1	6.7	1	6.7
Chisago	30	27	90.0	0	0.0	3	10.0
Clay	86	84	97.7	1	1.2	1	1.2
Clearwater	15	15	100.0	0	0.0	0	0.0
Cook	3	2	66.7	1	33.3	0	0.0
Cottonwood	5	5	100.0	0	0.0	0	0.0
Crow Wing	59	50	84.7	4	6.8	5	8.5
Dakota	230	163	70.9	5	2.2	62	27.0
Dodge	7	6	85.7	0	0.0	1	14.3
Douglas	23	20	87.0	0	0.0	3	13.0
Faribault	1	1	100.0	0	0.0	0	0.0
Fillmore	5	5	100.0	0	0.0	0	0.0
Freeborn	43	39	90.7	0	0.0	4	9.3
Goodhue	34	28	82.4	0	0.0	6	17.6
Grant	4	4	100.0	0	0.0	0	0.0
Hennepin	766	458	59.8	23	3.0	285	37.2
Houston	4	3	75.0	0	0.0	1	25.0
Hubbard	31	31	100.0	0	0.0	0	0.0
Isanti	34	32	94.1	1	2.9	1	2.9
Itasca	47	44	93.6	0	0.0	3	6.4
Jackson	10	9	90.0	0	0.0	1	10.0
Kanabec	17	16	94.1	0	0.0	1	5.9
Kandiyohi	45	45	100.0	0	0.0	0	0.0
Kittson	2	2	100.0	0	0.0	0	0.0
Koochiching	14	14	100.0	0	0.0	0	0.0
Lac Qui Parle	2	2	100.0	0	0.0	0	0.0
Lake	4	3	75.0	0	0.0	1	25.0
Lake of the Woods	1	1	100.0	0	0.0	0	0.0
Le Sueur	9	7	77.8	0	0.0	2	22.2

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Lincoln	2	2	100.0	0	0.0	0	0.0
Lyon	25	24	96.0	1	4.0	0	0.0
McLeod	28	26	92.9	0	0.0	2	7.1
Mahnomen	24	18	75.0	0	0.0	6	25.0
Marshall	5	4	80.0	0	0.0	1	20.0
Martin	11	8	72.7	0	0.0	3	27.3
Meeker	17	12	70.6	2	11.8	3	17.6
Mille Lacs	33	23	69.7	3	9.1	7	21.2
Morrison	15	13	86.7	2	13.3	0	0.0
Mower	51	50	98.0	0	0.0	1	2.0
Murray	7	7	100.0	0	0.0	0	0.0
Nicollet	12	10	83.3	0	0.0	2	16.7
Nobles	17	15	88.2	1	5.9	1	5.9
Norman	2	0	0.0	0	0.0	2	100.0
Olmsted	87	83	95.4	2	2.3	2	2.3
Otter Tail	37	32	86.5	1	2.7	4	10.8
Pennington	14	12	85.7	1	7.1	1	7.1
Pine	39	39	100.0	0	0.0	0	0.0
Pipestone	10	8	80.0	1	10.0	1	10.0
Polk	97	89	91.8	5	5.2	3	3.1
Pope	1	0	0.0	0	0.0	1	100.0
Ramsey	470	321	68.3	12	2.6	137	29.1
Red Lake	6	6	100.0	0	0.0	0	0.0
Redwood	33	30	90.9	0	0.0	3	9.1
Renville	21	18	85.7	0	0.0	3	14.3
Rice	28	27	96.4	0	0.0	1	3.6
Rock	1	1	100.0	0	0.0	0	0.0
Roseau	3	2	66.7	0	0.0	1	33.3
St. Louis	134	123	91.8	2	1.5	9	6.7
Scott	103	84	81.6	2	1.9	17	16.5
Sherburne	85	77	90.6	2	2.4	6	7.1
Sibley	5	4	80.0	0	0.0	1	20.0
Stearns	150	104	69.3	2	1.3	44	29.3
Steele	17	16	94.1	0	0.0	1	5.9
Stevens	4	3	75.0	1	25.0	0	0.0
Swift	4	4	100.0	0	0.0	0	0.0
Todd	5	5	100.0	0	0.0	0	0.0
Traverse	3	1	33.3	0	0.0	2	66.7
Wabasha	7	5	71.4	0	0.0	2	28.6
Wadena	14	13	92.9	0	0.0	1	7.1
Waseca	6	5	83.3	1	16.7	0	0.0
Washington	133	101	75.9	2	1.5	30	22.6

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Watowan	9	7	77.8	0	0.0	2	22.2
Wilkin	15	15	100.0	0	0.0	0	0.0
Winona	16	15	93.8	0	0.0	1	6.3
Wright	79	65	82.3	3	3.8	11	13.9
Yellow Medicine	16	13	81.3	0	0.0	3	18.8
<b>Total</b>	<b>4,032</b>	<b>3191</b>	<b>79.1</b>	<b>95</b>	<b>2.4</b>	<b>746</b>	<b>18.5</b>

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 2023, the rate was the second highest it has ever been, at 7.0 percent.

*Table 33. Felony Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981–2023*

Year	Total Number of Cases	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
2023	16,028	1,123	7.0
2022	16,259	1,036	6.4
2021	14,429	1,028	7.1
2020	11,517	699	6.1
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
1993	9,637	125	1.3
1992	9,325	89	1.0

<b>Year</b>	<b>Total Number of Cases</b>	<b>Number Receiving Non-Felony Sentences</b>	<b>Rate Receiving Non-Felony Sentences (%)</b>
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

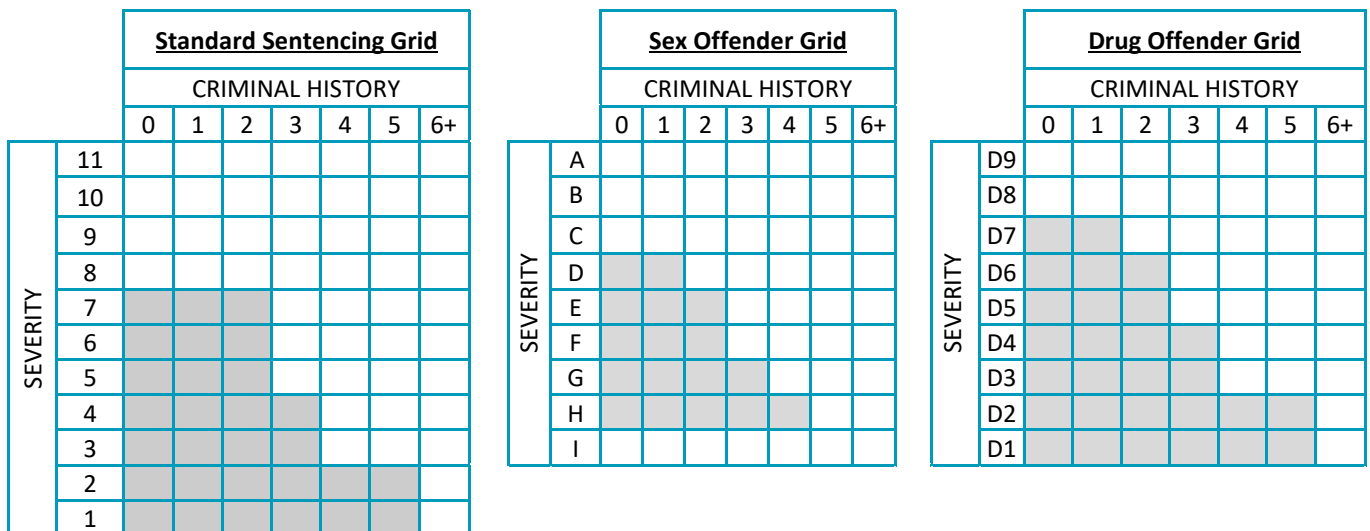
# Appendixes

## Appendix 1. How the Sentencing Guidelines Work

A separate Sex Offender Grid, with severity levels from I to A (most serious), is used for sentencing sex offenses. A separate Drug Offender Grid, with severity levels from D1 to D9 (most serious), is used for sentencing drug offenses. The horizontal axis represents the defendant’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 current offense was committed while confined or under community supervision.

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 I<sup>23</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), is used for sentencing drug offenses.

<sup>23</sup> Effective September 15, 2021, the severity level of failure to register as a predatory offender was renamed from Severity Level H to Severity Level I. Failure to register as a predatory offender, which carries a mandatory minimum prison sentence (Minn. Stat. § [243.166](#)), is ranked alone at that severity level. The recommended Guidelines disposition for Severity Level I is therefore commitment.

The horizontal axis represents the defendant’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 current offense was committed while confined or under community supervision.

## Presumptive Sentence

The recommended Guidelines sentence (presumptive sentence) is generally found in the cell of the Sentencing Guidelines Grid where the 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 defendant 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 state prison for a specified duration. The Guidelines provide a range of 15 percent downward and 20 percent upward from that 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 27.)

Regardless of whether 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](#), an executed prison sentence 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. In addition, certain offenses (such as criminal sexual conduct and felony DWI) require a period of conditional release to be served upon release from prison.

The Department of Corrections may extend imprisonment time for violations of prison disciplinary rules or conditions of supervised release. This extension period could result in service of the entire executed sentence in prison—or more, if conditional release applies.

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

It is not possible to fully explain all sentencing 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>.

## Appendix 2. 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.

### Limitations

There are few specific guidelines to the court regarding the imposition of these intermediate sanctions.<sup>24</sup> The 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>25</sup>

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<sup>24</sup> For general guidance, see 2022 Minn. Sentencing Guidelines § 3.A. The presumptive five-year probation cap mentioned on page 5, above, took effect for offenses committed on or after August 1, 2020.

<sup>25</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>.

## Appendix 3. Standard Sentencing Guidelines Grid – Effective August 1, 2023

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 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480</i> <sup>1</sup>	426 <i>363-480</i> <sup>1</sup>
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	<b>10</b> 150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</i>	<b>9</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>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	<b>8</b> 48 <i>41-57</i>	58 <i>50-69</i>	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>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	<b>7</b> 36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84</i> <sup>1,2</sup>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	<b>6</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>Residential Burglary</i> <i>Simple Robbery</i>	<b>5</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>Nonresidential Burglary</i>	<b>4</b> 12	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b> 12	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	<b>2</b> 12	12	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	<b>1</b> 12	12	12	13	15	17	19 <i>17-22</i>



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185.



Presumptive stayed sentence; at the discretion of the court, up to 364 days 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.

<sup>1</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 the maximum sentence is not more than the statutory maximum.

<sup>2</sup> For Severity Level 7 offenses other than Felony DWI, the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

## Appendix 4. Sex Offender Grid – Effective August 1, 2023

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>Criminal Sexual Conduct (CSC) 1st Degree</i>	<b>A</b>	144 <i>144<sup>2</sup>-172</i>	156 <i>144<sup>2</sup>-187</i>	168 <i>144<sup>2</sup>-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360<sup>3</sup></i>
<i>CSC 2nd Degree–1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(h)(i) (e.g., contact &amp; force with bodily harm)</i>	<b>B</b>	90 <i>90<sup>2</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>217-306</i>	300 <i>255-360</i>
<i>CSC 3rd Degree–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., penetra- tion &amp; coercion/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>131-183</i>	180 <i>153-216</i>
<i>CSC 2nd Degree–1a(e)(f)(g) (age) CSC 3rd Degree–1a(a)(e)(f) or 1a(b) with 2(1) (age)</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(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., contact &amp; coercion/occupation)</i>	<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<sup>3</sup></i>
<i>CSC 4th Degree–1a(a)(b)(e)(f) (age) CSC 5th Degree–3(b) (subsequent)</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–1a(b) with 2(2) Possession of Child Pornography Solicit Child for Sexual Conduct</i>	<b>G</b>	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60<sup>3</sup></i>
<i>CSC 5th Degree–3(a) (nonconsensual penetration)</i>	<b>H</b>	12	14	16	18	24	24 <sup>3</sup> <i>24-24</i>	24 <sup>3</sup> <i>24-24</i>
<i>Failure to Register as a Predatory Offender</i>	<b>I</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 mandatory minimum under Minn. Stat. § 243.166, subd. 5(b).



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines.



Presumptive stayed sentence; at the discretion of the court, up to 364 days 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.

<sup>2</sup> Sex Trafficking is not subject to a 144- or 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (For Severity Level A, Criminal History Scores 0, 1, & 2, the ranges are 123–172, 133–187, & 143–201, respectively. For Severity Level B, Criminal History Score 0, the range is 77–108.)

<sup>3</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 the maximum sentence is not more than the statutory maximum. For Severity Level H, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum at criminal history scores above 4.

## Appendix 5. Drug Offender Grid – Effective August 1, 2023

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 italics)		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	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	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	12	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>D1</b>	12	12	12	13	15	17	19 <i>17-22</i>

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

Presumptive commitment to state imprisonment.

Presumptive stayed sentence; at the discretion of the court, up to 364 days 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.

## Glossary of Terms

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**Commitment.** “Commitment” occurs when a person is sentenced to the custody of the Commissioner of Corrections.

**Concurrent Sentence.** When the court orders sentences to be “concurrent,” the court is ordering that multiple sentences be served at the same time.

**Consecutive Sentence.** When the court orders sentences to be “consecutive,” the court is ordering that multiple sentences be served one after the other in the manner described in section 2.F.

**Criminal History Score.** The “criminal history score” is comprised of criminal history factors detailed in section 2.B. The horizontal axis on the applicable grid represents the offender’s criminal history score.

**Departure.** A “departure” is a pronounced sentence other than that recommended in the appropriate cell on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence.

**Dispositional Departure.** A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines.

**Aggravated Dispositional Departure.** An “aggravated dispositional departure” occurs when the Guidelines recommend a stayed sentence but the court pronounces a prison sentence.

**Mitigated Dispositional Departure.** A “mitigated dispositional departure” occurs when the Guidelines recommend a prison sentence but the court stays the sentence.

**Durational Departure.** A “durational departure” occurs when the court orders a sentence with a prison duration other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid.

**Aggravated Durational Departure.** An “aggravated durational departure” occurs when the court pronounces a prison duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid.

**Mitigated Durational Departure.** A “mitigated durational departure” occurs when the court pronounces a prison sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid.

**Departure Report.** A “departure report” is a form completed by the sentencing court when the court pronounces a sentence that is a departure from the presumptive sentence. Under Minn. R. Crim. P. 27.03, subd. 4(c), the form must be completed and submitted to the Sentencing Guidelines Commission within 15 days after sentencing.

**Executed Sentence.** An “executed sentence” is the total period of time for which an inmate is committed to the custody of the Commissioner of Corrections (sent to prison). Under Minn. Stat. § 244.101, the sentence consists of two parts: a minimum term of imprisonment and a maximum period of supervised release.

**Term of Imprisonment.** For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the “term of imprisonment” (incarceration) is equal to two-thirds of the executed sentence.

**Supervised Release Term.** For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the “supervised release term” is a period of mandatory community supervision, which is served following the end of the term of imprisonment and is equal to one-third of the executed sentence less any applicable disciplinary confinement period.

**Extended Jurisdiction Juvenile (EJJ).** An “extended jurisdiction juvenile” is a child who, under the procedures in Minn. Stat. § 260B.130, has been given a stayed adult sentence and a juvenile disposition, and for whom jurisdiction of the juvenile court may continue until the child’s twenty-first birthday.

**Factfinder.** The “factfinder” or finder of fact determines the facts in the case and may be either the court or the jury.

**Hernandize.** “Hernandize” (or “Hernandizing”) is the unofficial term for the process described in section 2.B.1.e of counting criminal history when multiple offenses are sentenced on the same day before the same court.

**Local Confinement.** “Local confinement” is a term of incarceration of up to one year served in a local facility and may be pronounced by the court as a condition of probation.

**Mandatory Minimum.** The “mandatory minimum” is a minimum executed sentence duration specified in statute for offenders convicted of certain felony offenses.

**Presumptive Sentence.** “Presumptive sentences” are those sentences provided on the Sentencing Guidelines. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.

**Presumptive Disposition.** The “presumptive disposition” is the recommendation for either a commitment or a stayed sentence.

**Presumptive Commitment.** A “presumptive commitment” is a recommended disposition of imprisonment for cases contained in cells outside of the shaded area on the Grids.

**Presumptive Stayed Sentence.** A “presumptive stayed sentence” is a recommendation for a stayed sentence for cases contained in the cells within the shaded area on the Grids.

**Presumptive Duration.** The “presumptive duration” is the recommended fixed sentence length in months found in the appropriate cell on the applicable Grid.

**Presumptive Range.** The “presumptive range” is provided for a sentence that is a presumptive commitment. Pursuant to Minn. Stat. § 244.09, subd. 5(2), the range is 15 percent lower and 20 percent higher than the fixed duration displayed in each cell on the Grids.

**Lower Range.** The “lower range” is that portion of the presumptive range that is shorter than the fixed presumptive duration.

**Sentence Modifier.** A “sentence modifier” is a statute or policy that aids in defining the punishment for the underlying offense. A sentence modifier can affect either or both the duration and the disposition of the presumptive sentence. See section 2.G for policies relating to determining the presumptive sentence for offenses that include a sentence modifier.

**Sentencing Guidelines Grids.** The “Sentencing Guidelines Grids” (or “Grids”) display presumptive sentences for felony offenses according to the severity level of the offense (vertical axis) and offender’s criminal history score (horizontal axis).

**Sex Offender Grid.** The “Sex Offender Grid” displays the presumptive sentences for criminal sexual conduct, failure to register as a predatory offender, and related offenses as shown on the Sex Offender Grid.

**Drug Offender Grid.** The “Drug Offender Grid” displays the presumptive sentences for controlled substance crime, failure to affix stamp, and related offenses as shown on the Drug Offender Grid.

**Standard Grid.** The “Standard Grid” displays the presumptive sentences for felony offenses not on the Sex Offender Grid or Drug Offender Grid.

**Sentencing Worksheet.** The “Sentencing Worksheet” (or “Worksheet”) is a form completed by probation at the direction of the court under Minn. Stat. § 609.115, subd. 2a. The Worksheet reflects the severity of the current conviction offense, applicable history as calculated under Sentencing Guidelines policies, and the presumptive sentence as reflected in the appropriate cell of the applicable Grid. A separate Worksheet should be completed for all felony-level offenses receiving a stayed or imposed sentence, or a stay of imposition. This includes offenses that receive a life sentence and felony convictions for which the court imposes a gross misdemeanor or misdemeanor sentence.

**Severity Level.** The “severity level” is a ranking assigned to each felony offense by the Sentencing Guidelines Commission to indicate the seriousness of the offense. The vertical axis on the applicable grid represents the severity of the conviction offense. Felony offenses, other than sex and drug offenses, are arranged on the Standard Grid into eleven levels of severity, ranging from high (Severity Level 11) to low (Severity Level 1). Sex offenses are arranged on the Sex Offender Grid into nine severity levels, ranging from high (Severity Level A) to low (Severity Level I). Drug offenses are arranged on the Drug Offender Grid into nine levels of severity, ranging from high (Severity Level D9) to low (Severity Level D1). Offenses listed within each severity level are deemed equally serious.

**Statutory Maximum.** The “statutory maximum” is the maximum sentence duration provided for the offense in statute (e.g., “imprisonment for not more than 15 years”).

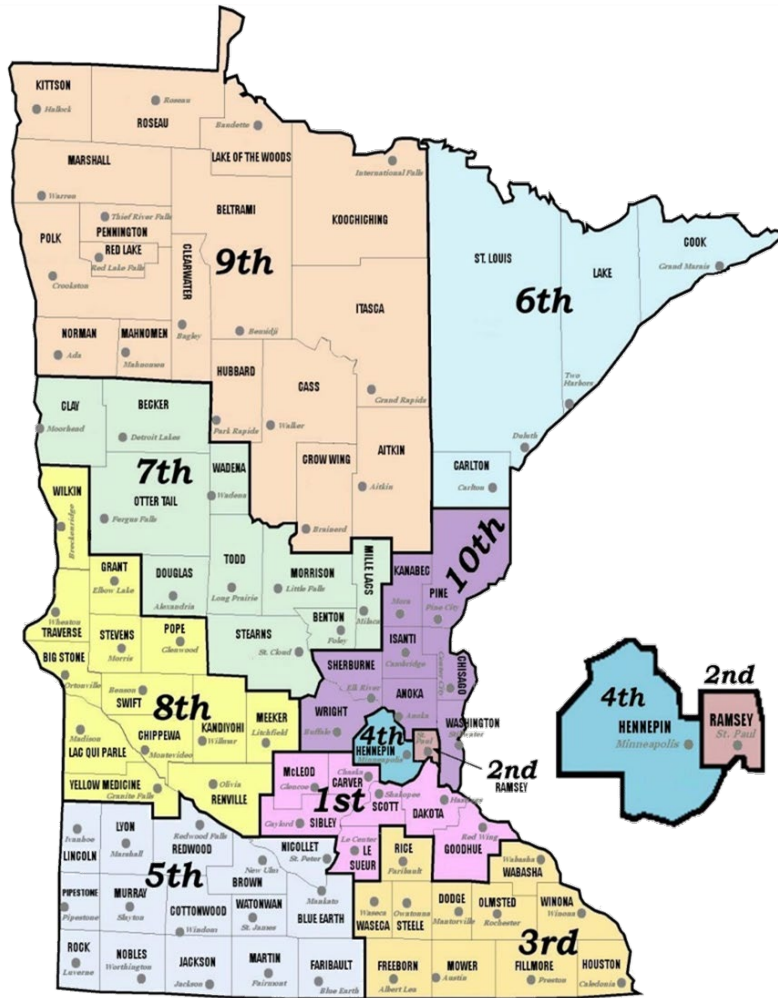
**Stayed Sentence.** A “stay of sentence” may be accomplished by either a stay of imposition or a stay of execution. There are two steps in sentencing: the imposition of a sentence and the execution of the sentence imposed. The imposition of sentence consists of pronouncing the sentence to be served in prison (for example, 3

years imprisonment). The execution of an imposed sentence consists of transferring the felon to the custody of the Commissioner of Corrections to serve the prison sentence.

**Stay of Imposition.** A “stay of imposition” occurs when the court accepts and records a finding or plea of guilty but does not impose (or pronounce) a prison sentence. If the offender successfully completes the stay, the case is discharged, and the conviction is deemed a misdemeanor under Minn. Stat. § 609.13 but is still included in criminal history under section 2.B.

**Stay of Execution.** A “stay of execution” occurs when the court accepts and records a finding or plea of guilty, and a prison sentence is pronounced, but is not executed. If the offender successfully completes the stay, the case is discharged, but the offender continues to have a record of a felony conviction, which is included in criminal history under section 2.B.

# Minnesota Judicial District Map



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

Source: Minn. Judicial Branch.