



2022 Sentencing Practices: Annual Summary Statistics for Felony Cases

MSGC Research Staff Presentation
November 8, 2023

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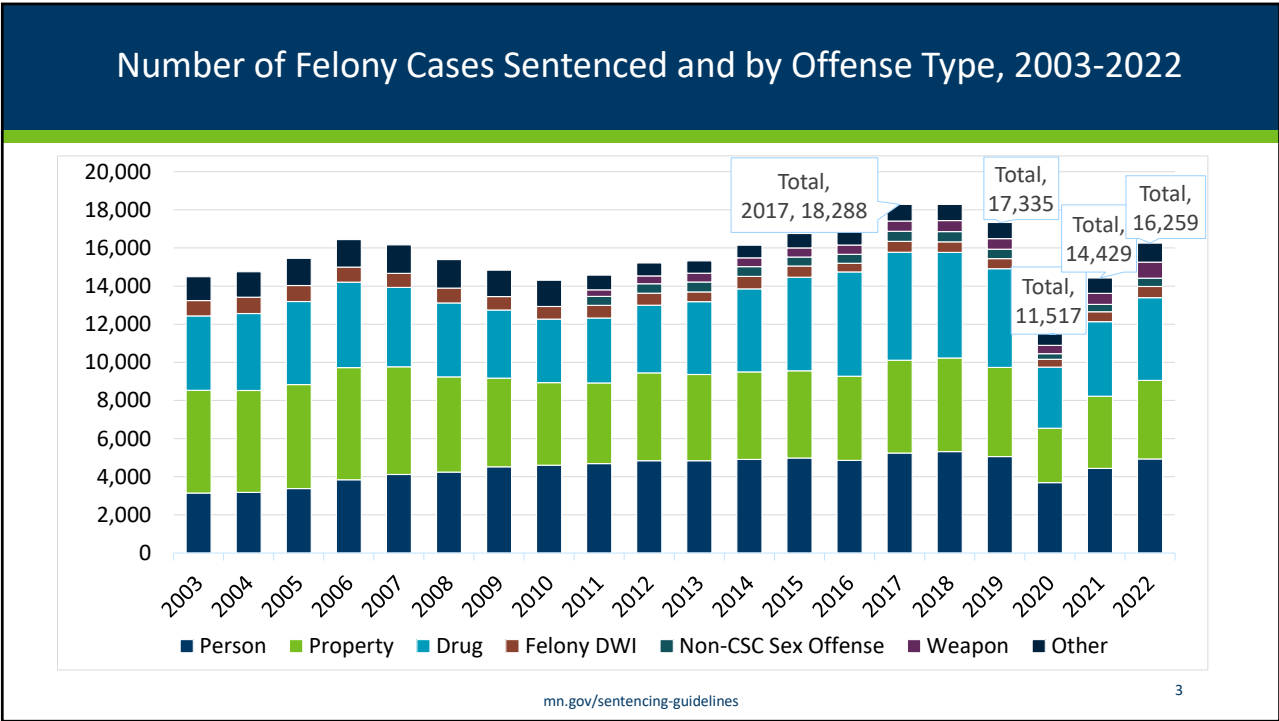
2022 Sentencing Practices Highlights

- Volume of felony cases sentenced continued to rebound after the 2020 drop;
- There are key differences by race and ethnicity by decision point;
- There is a growing gap between recommended and pronounced prison sentences;
- There are sentencing variations by geography (judicial district);
- Some offenses receive downward dispositional departures (from prison to probation) at higher rates than the overall average.

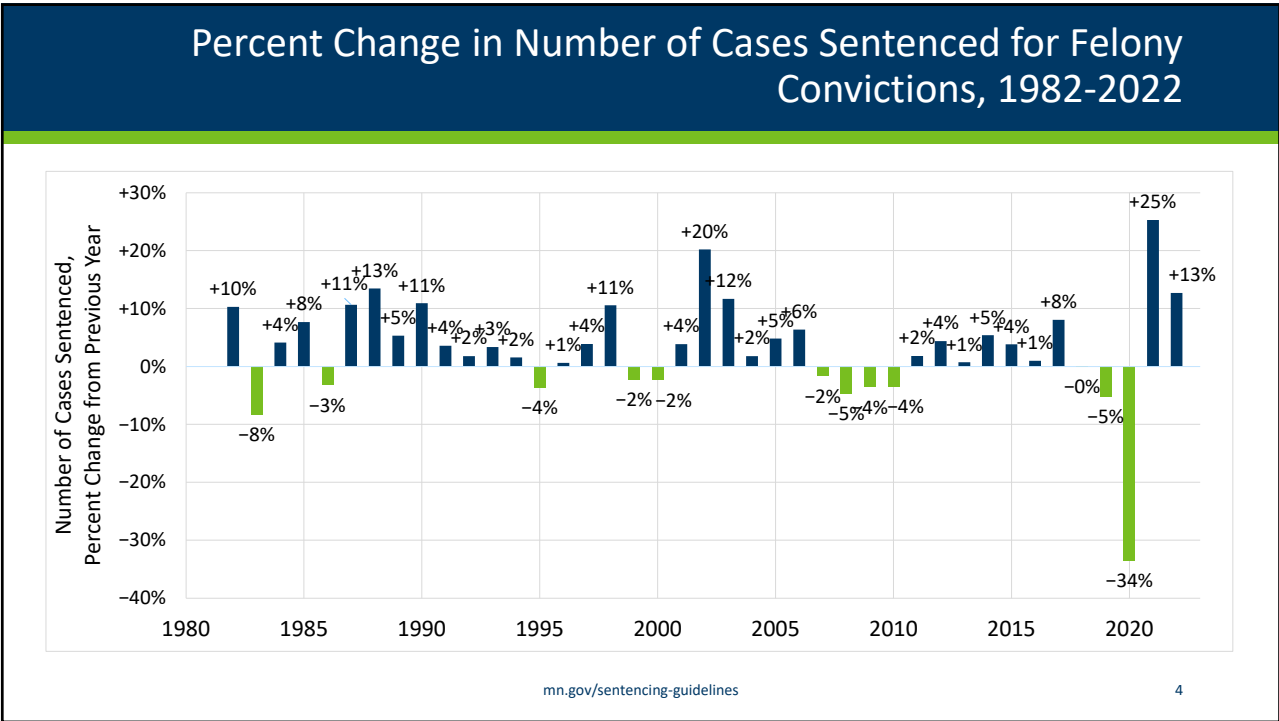
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2022 Sentencing Practices Highlights

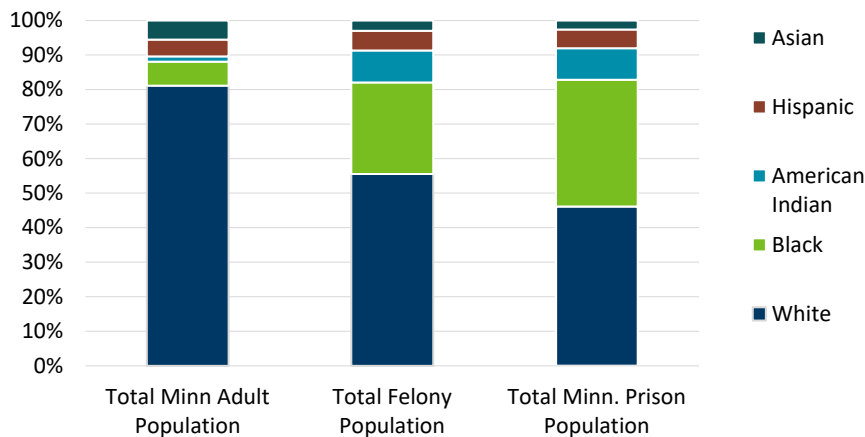
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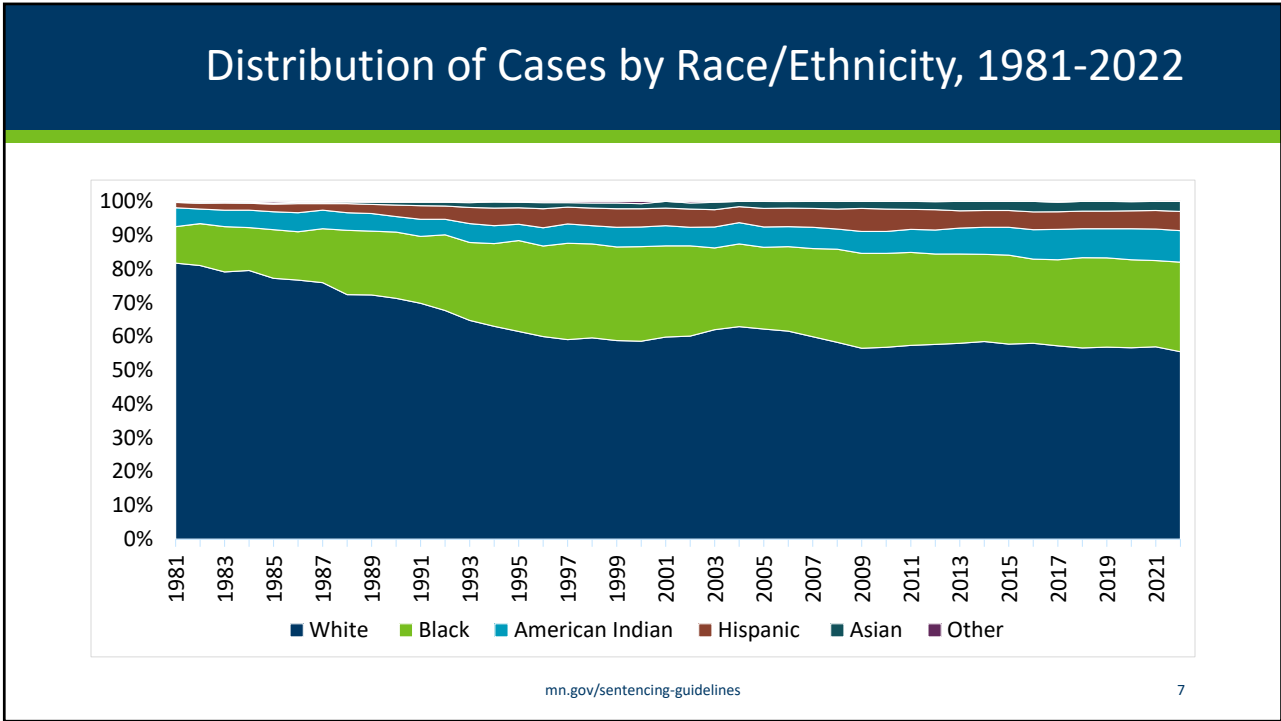
Minn. Population Age 18+ Compared to Felony Sentences Compared to Prison Population, 2022



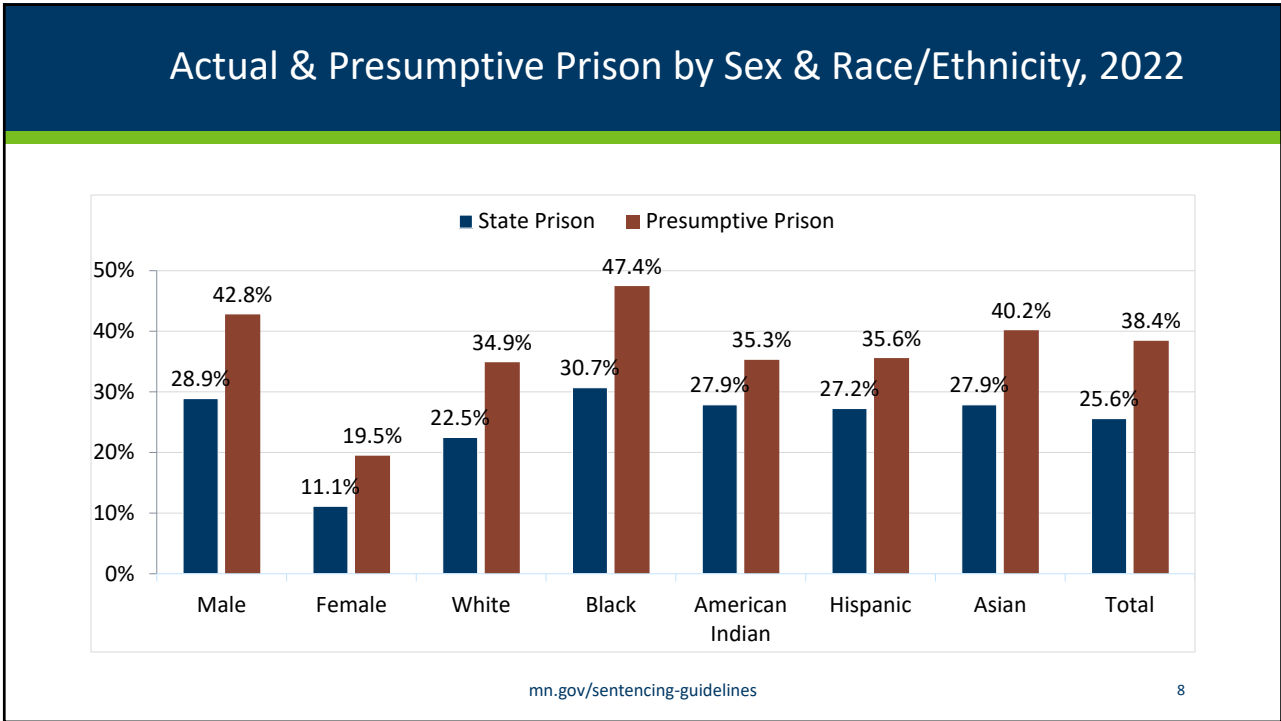
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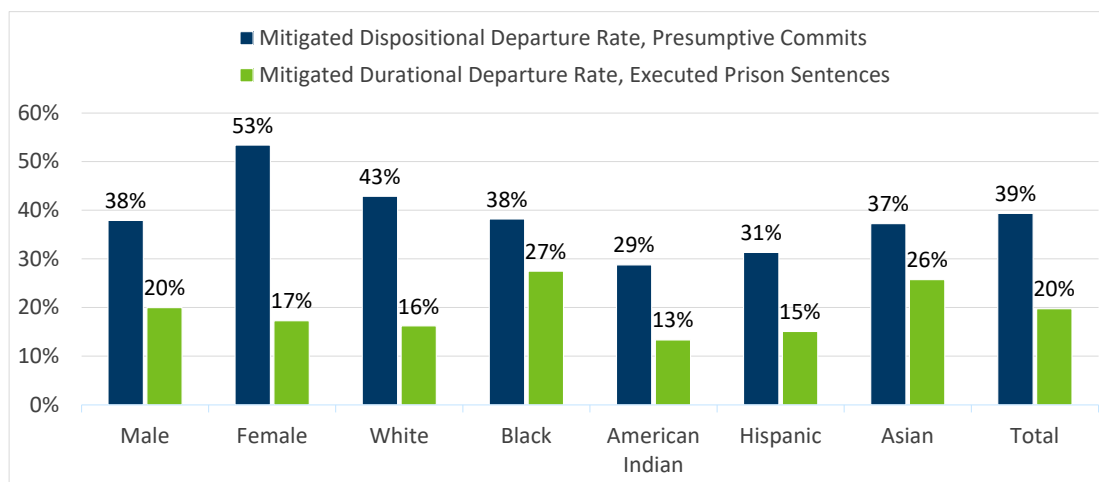


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Mitigated Departures by Sex & Race/Ethnicity, 2022



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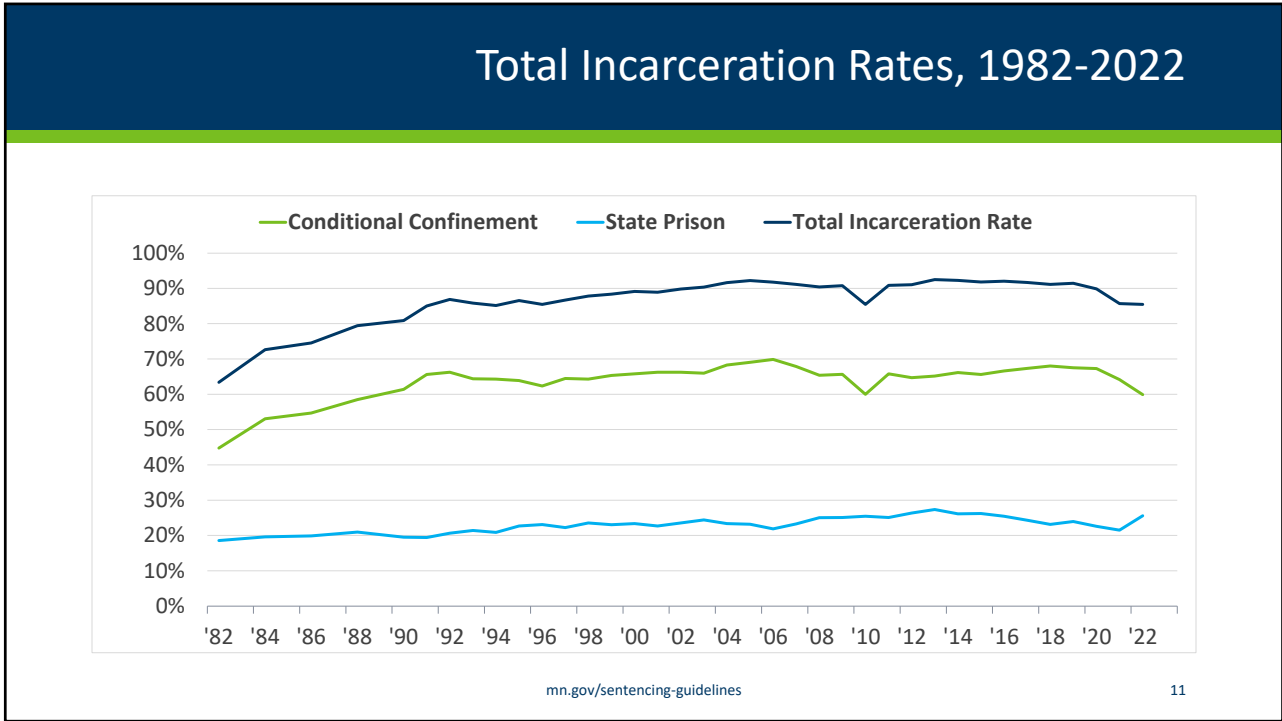
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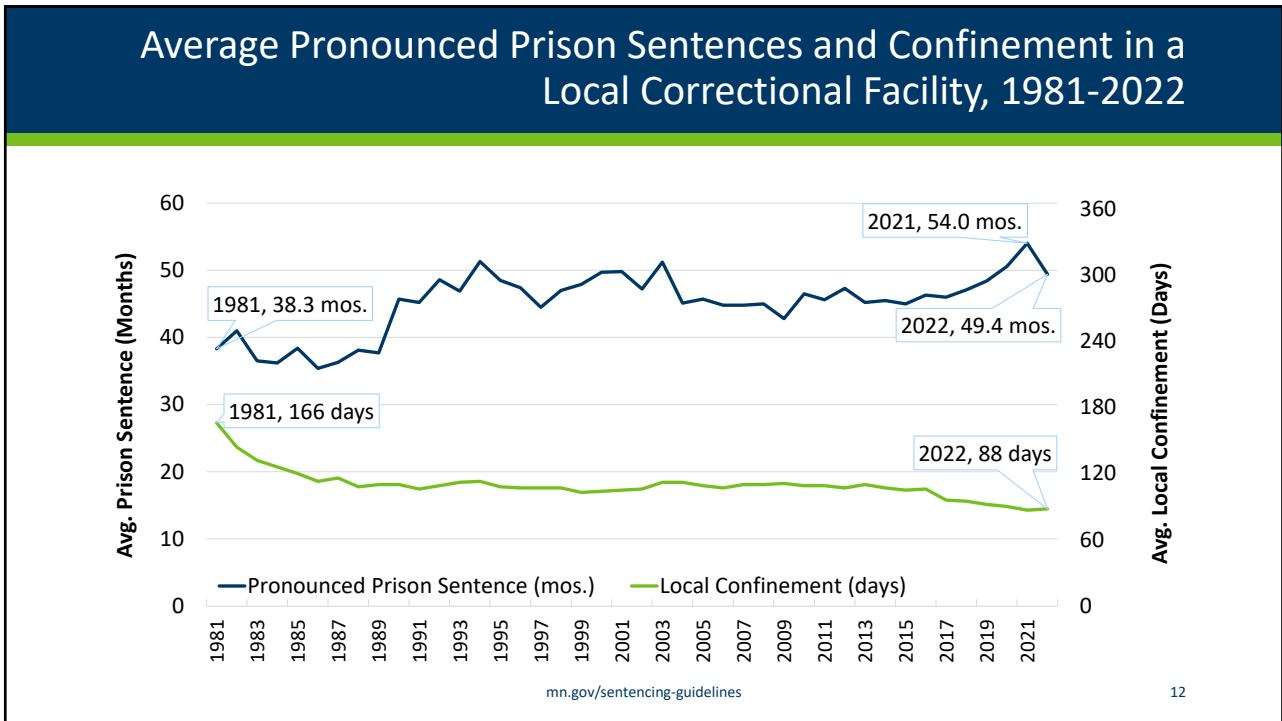
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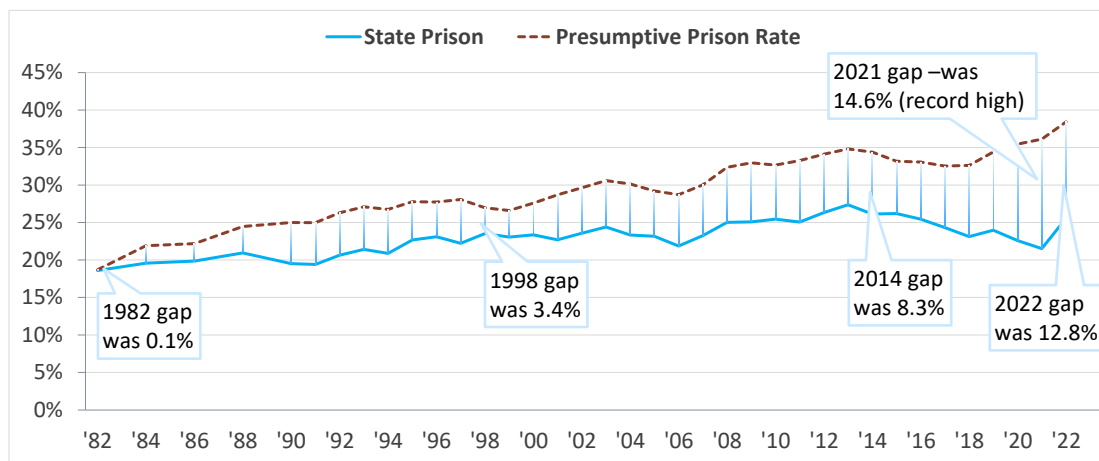


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Presumptive and Actual Prison Rates, 1982-2022



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2022 Sentencing Practices Highlights

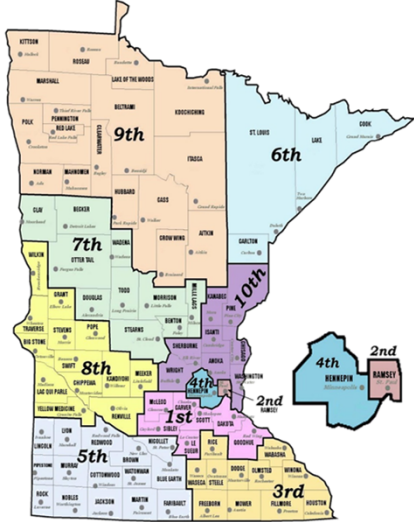
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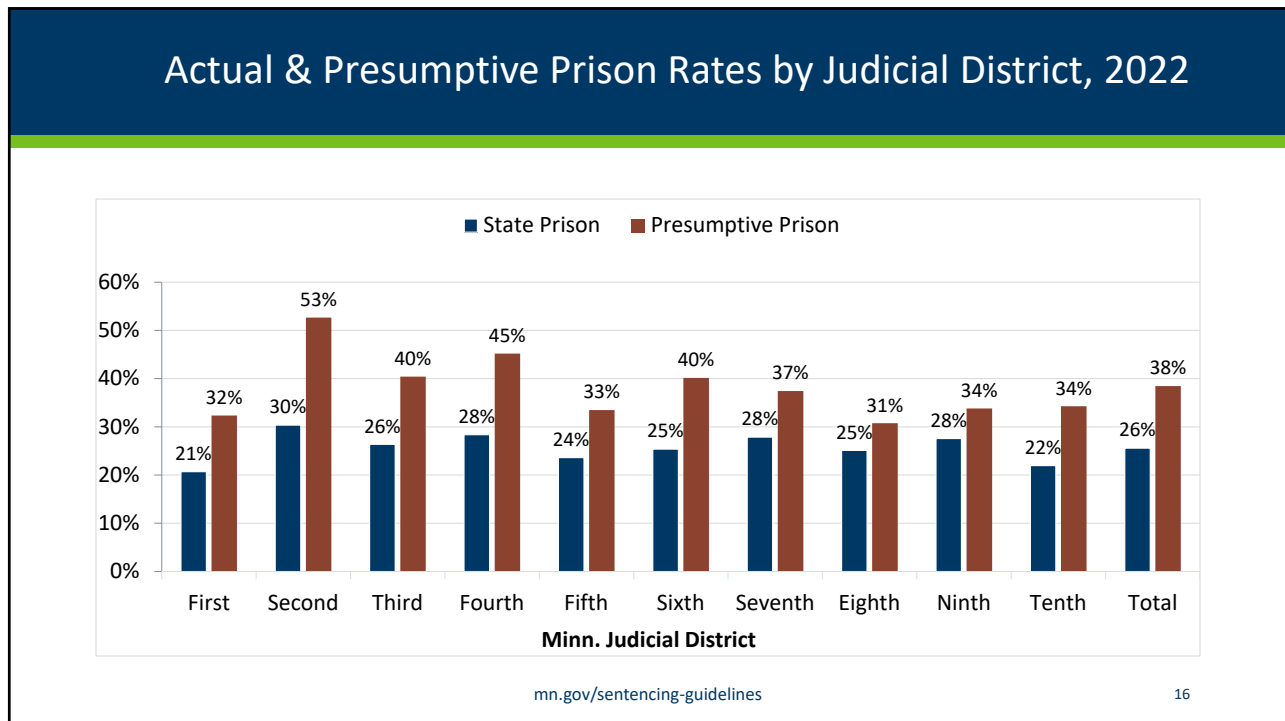
Minnesota Judicial District



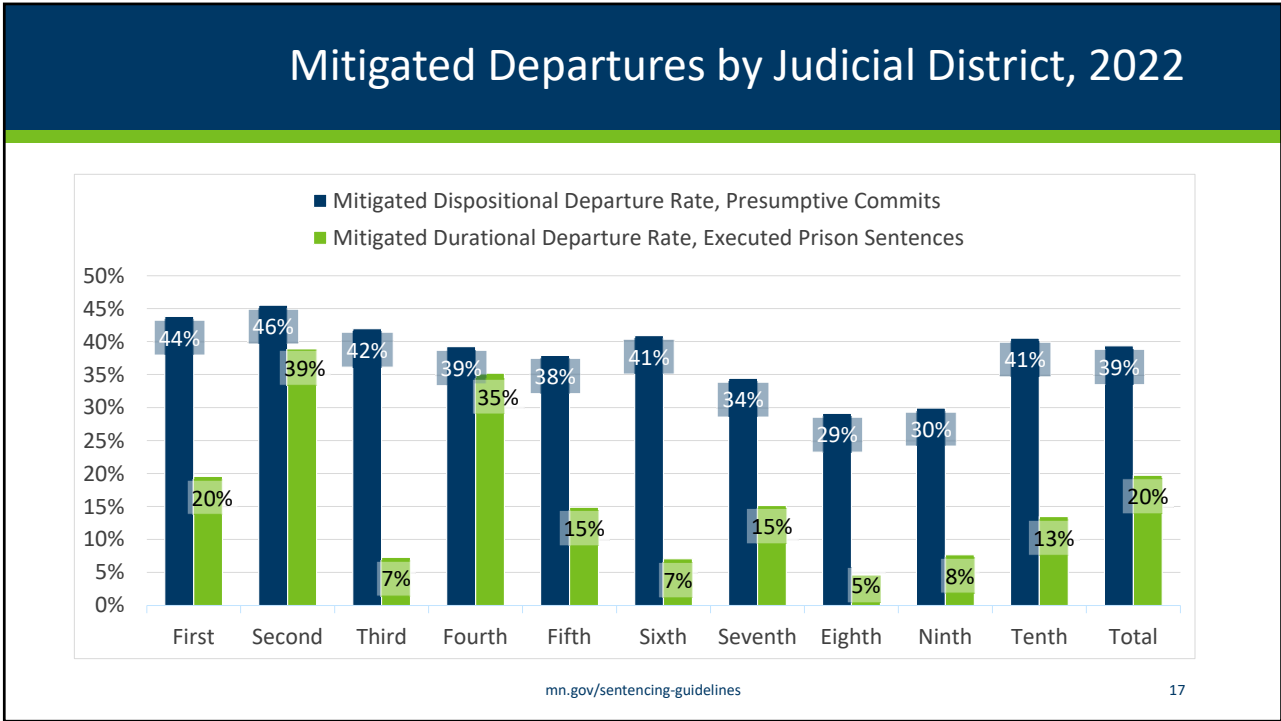
<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	
Carver Dakota Goodhue Le Sueur McLeod Scott Sibley	Ramsey	Dodge Fillmore Freeborn Houston Mower Olmsted Rice Steele Wabasha Waseca Winona	Hennepin	Blue Earth Brown Cottonwood Faribault Jackson Lincoln Lyon Martin Murray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

Source: Minn. Judicial Branch
mn.gov/sentencing-guidelines

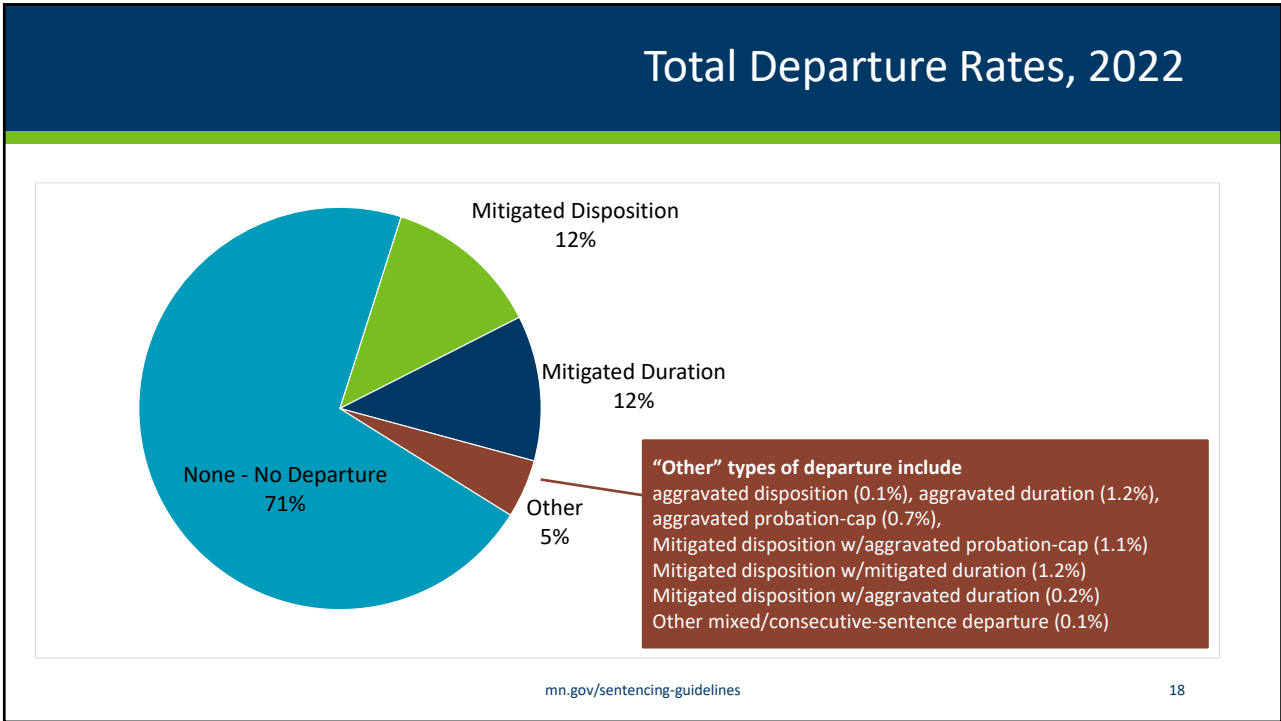
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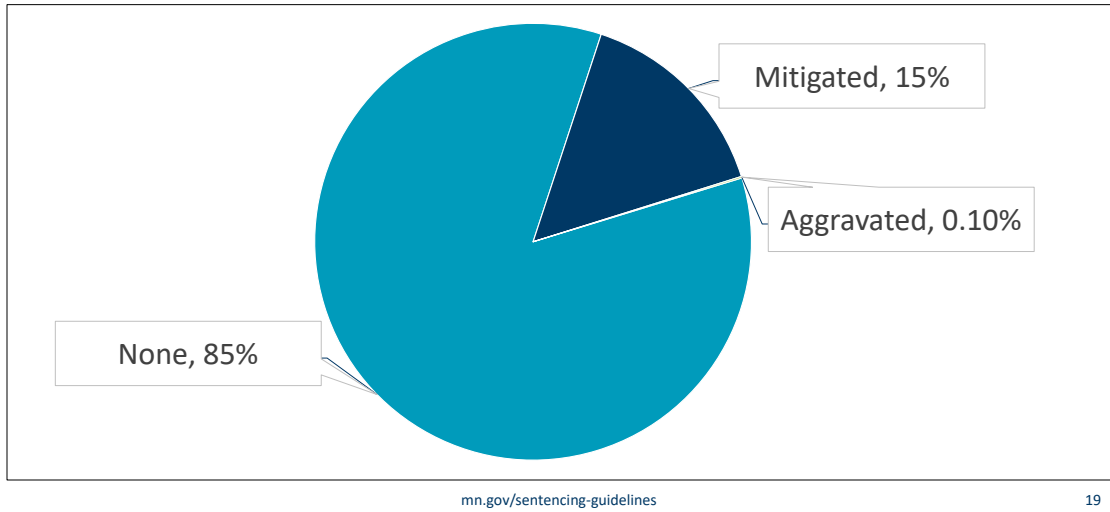


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Dispositional Departure Rates, 2022



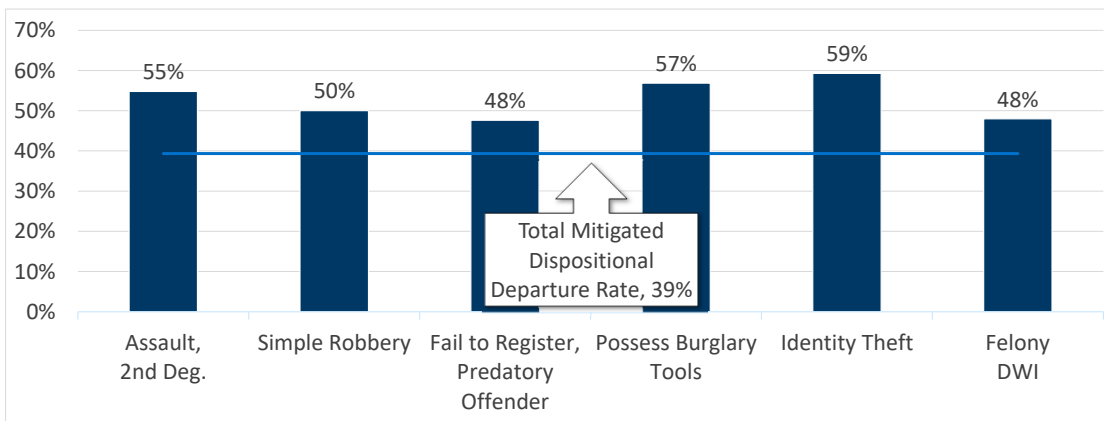
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Mitigated Dispositional Departure Rates for Presumptive-Commit Cases, Selected Offenses Compared to Total, 2022



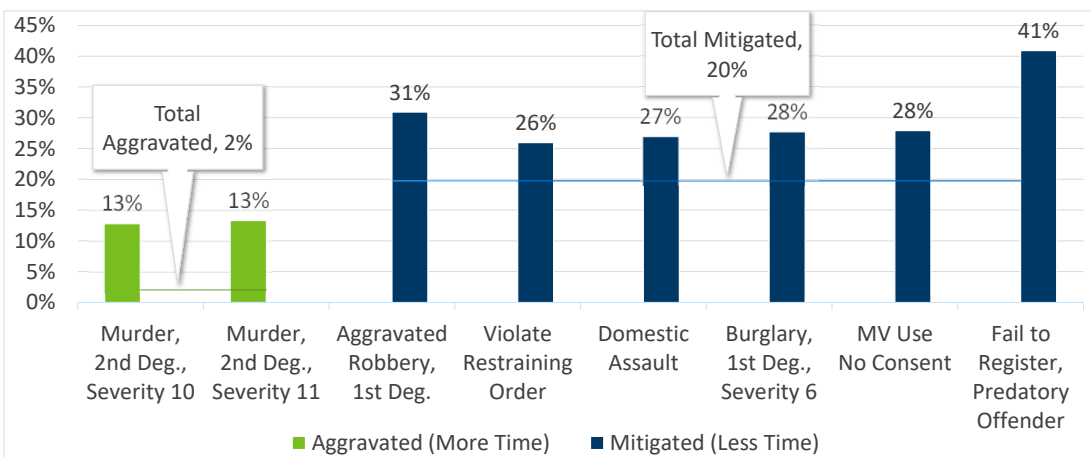
Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 47 percent or more.

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Durational Departure Rates Among Cases Receiving Executed Prison Sentences, Selected Offenses cf. Total Rates, 2022



Offenses were selected based on criteria that there were 47 or more executed prison cases, and the aggravated durational departure rate was 10 percent or more or the mitigated durational departure rate was 26 percent or more.

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In Summary

- Volume of felony cases sentenced continued to rebound after the 2020 drop;

2019 (pre-pandemic) volume was over 17,000. In 2020, case volume dropped to approximately 11,500. By 2022, the volume increased to 16,000.

- There are key differences by race and ethnicity by decision point;

The racial and ethnic composition changes when looking at different populations such as the general Minnesota adult population, the felony population, the prison population, and those receiving departures.

- There is a growing gap between recommended and pronounced prison sentences;

In 1982, this gap was 0.1%, and the gap remained fairly steady until the early to mid-2000's and has widened since then. In 2022 this gap reached 12.8%.

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In Summary (continued)

- There are sentencing variations by geography (judicial district);

Incarceration rates and departure rates vary by judicial district. Variations may be partly explained by regional differences in case volume, charging and plea practices, the types of offenses sentenced and criminal history scores.

- Some offenses receive downward dispositional departures (from prison to probation) at higher rates than the overall average.

There are four offenses that had a mitigated dispositional departure rate over 50% - two person offenses and two property offenses. High mitigated durational departure rates include three person offenses, two property offenses, and one other offense type. Failure to Register as a Predatory Offender had both a high mitigated dispositional departure rate and a high durational departure rate.

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Standard Sentencing Grid- Effective August 1, 2022


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>	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 ²	426 363-480 ²
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</i>	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 ^{3,1}
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39-46	45-51	51-57	57-68
<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33-39	38-45	43-51	48-57
<i>Nonresidential Burglary</i>	4	12 ¹	15	18	21	24-28	27-32	30-36
<i>Theft Crimes (Over \$5,000)</i>	3	12 ¹	13	15	17	19-22	21-25	23-27
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12 ¹	12 ¹	13	15	17	19	21-25
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19-22


¹ 12¹=One year and one day

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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.

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

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

² Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2. ³ The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)


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Sex Offender Grid- Effective August 1, 2022

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>	A	144 144-172	156 144-187	168 144-201	180 153-216	234 199-280	306 261-360	360 306-360 ²
<i>CSC 2nd Degree-1(a)(b)(c)(d)(e)</i> <i>1a(a)(b)(c)(d)(h)(i) (e.g., contact & force with bodily harm)</i>	B	90 90 ¹ -108	110 94-132	130 111-156	150 128-180	195 166-234	255 217-300	300 255-300 ¹
<i>CSC 3rd Degree-1(a)(b)(c)(d)</i> <i>1a(c)(d)(g)(h)(i) (e.g., penetration & coercion/occupation)</i>	C	48 41-57	62 53-74	76 65-91	90 77-108	117 100-140	153 131-183	180 153-216
<i>CSC 2nd Degree-1a(e)(f)(g) (age)</i> <i>CSC 3rd Degree-1a(a)(e)(f) or 1a(b) with 2(1) (age)</i>	D	36	48	60 51-72	70 60-84	91 78-109	119 102-142	140 119-168
<i>CSC 4th Degree-1(a)(b)(c)(d)</i> <i>1a(c)(d)(g)(h)(i) (e.g., contact & coercion/occupation)</i>	E	24	36	48	60 51-72	78 67-93	102 87-120	120 102-120 ²
<i>CSC 4th Degree-1a(a)(b)(e)(f) (age)</i> <i>CSC 5th Degree-3(b) (subsequent)</i>	F	18	27	36	45 39-54	59 51-70	77 66-92	84 72-100
<i>CSC 3rd Degree-1a(b) with 2(2)</i> <i>Possession of Child Pornography</i> <i>Solicit Child for Sexual Conduct</i>	G	15	20	25	30	39 34-46	51 44-60	60 51-60 ²
<i>CSC 5th Degree-3(a)</i> <i>(nonconsensual penetration)</i>	H	12 ¹	14	16	18	24	24 ² 24-24	24 ² 24-24
<i>Failure to Register as a Predatory Offender</i>	I	12 ¹ 12 ¹ -14	14 12 ¹ -16	16 14-19	18 16-21	24 21-28	30 26-36	36 31-43

¹ 12¹=One year and one day

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.

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

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

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

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

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Drug Offender Grid- Effective August 1, 2022

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



Presumptive commitment to state imprisonment.



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

* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).
¹ 12¹=One year and one day