

Staff Information Paper – Updated 7/18/2022*

Estimated Impact of October Custody Status Proposals

Contents

Assumptions Common to all Proposals.....	1
A1. Apply custody status only to high criminal history scores.....	5
A2. Display half points on grids.....	8
A3. Establish quarter points.....	10
B1. Repeal without replacement	14
B2. Replace with a 10-percent mandatory enhancement	16
B3. Replace with a one-cell discretionary enhancement.....	19
B4. Replace with a one-cell aggravating factor.....	19
Appendix	20

Assumptions Common to all Proposals

Impact estimates are based on 2019 MSGC monitoring data. It is assumed that future cases will be similar in terms of offenses, offense severity, offense distribution, criminal history scores (CHS) (except as discussed on the following page), departure rates, and demographic characteristics to those sentenced in 2019. There were 17,335 cases sentenced in 2019:

- 9,015 (52%) did not have a Custody Status Point (CSP)
- 8,316 (48%) had a CSP
 - 183 (1%) had a CSP of 0.5

* **Corrections to Proposal A1:** Those in Table 4 and associated text (p. 6) are due to errors in the percentages used to calculate the “Estimated Change in Prison Beds Needed.” Footnote (“††”) added to Table 1, Table 4, Table 6, Table 9, Table 11, and Table 14, to explain why “Total” row does not equal Race & Ethnicity and Judicial District categories.

11/3/2021 Updates: Those made to text on p. 10 were due to errors identified during the Commission meeting; corrections made to Table 1, Table 4, Table 6, Table 9, Table 11, and Table 14, were due to errors discovered by staff following the 10/7/2021 meeting; Table 10 was incomplete when presented on 10/7/2021 (bed-timing has been added). See “Superseded, v.2” (attached). See “Superseded, v.1” for the staff paper, as presented 10/7/2021 (attached).

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

- 8,121 (47%) had a CSP of 1.0
- 16 (0.1%) had a CSP of 2.0.
- Of the 8,316 cases with a CSP, 2,568 received a prison sentence; 58 of them (2.3%) received a consecutive sentence. Because it was problematical to determine how consecutive sentences would change under these proposals, these cases were not included in the impact estimates.

The August 1, 2019, changes to calculation of the CSP have had and will continue to have an impact on the contribution of the CSP in the future. The following CSP changes were made effective August 1, 2019, and were therefore not applicable to most of the cases sentenced in the baseline year (2019):¹

- No CSP for Minn. Stat. § 152.18 stays of adjudication
- No CSP for merely being within the original probation term, even if not on probation
- One-half CSP for misdemeanors, gross misdemeanors and Severity Level 1 or 2 offenses

Staff attempted to adjust the 2019 baseline to account for the impact of these 2019 changes. To that end, staff randomly sampled 25 percent (2,038) of the cases with a CSP in 2019. The worksheets for the sample cases were examined to determine the source of the custody status. Staff found the following:

- 167 (8%) would have CSP of 0 (due to the stay-of-adjudication and original-probation-term policies)
- 920 (45%) would have a CSP of 0.5 (due to the half-point policy)
- 952 (47%) would continue to have a CSP of 1

To adjust the 2019 baseline, staff recalculated the CHS for these offenders by adding up all the components and then rounding the total down (the “EWS method”). While staff recognizes that the Commission has not resolved the question of how half points are to be counted in CHS (see MSGC staff information paper, “[A Brief Chronology of the Half Custody Status Point](#),” Sept. 2, 2021 (Sept. 9, 2021, MSGC meeting materials)), staff was concerned that employing either alternative method of counting half points—to count half points as worth nothing in CHS, or to count half points as worth a whole point in CHS—would either understate or overstate the impact of 2018 Commission’s decision to adopt the half-point policy. Staff therefore selected the EWS method as the middle-ground method of adjusting the 2019 baseline.

It is estimated that these adjustments would result in a bed savings of 35.3 beds for the cases in the 25-percent sample. Multiplying this number by four results in an estimated 141-bed reduction for the whole 2019 population. These beds come from two sources: 66 beds from people no longer receiving a prison sentence and 75 beds from shorter sentences. This adjusted baseline was used for calculating the impact of each of the various proposals—except for A1, the only proposal to retain the pre-2019 whole-point policy.²

It is estimated that the demographic characteristics of the people who would be shifted out of prison beds as a result of the 2019 baseline adjustment are as follows.

- **Gender:** Male (79.7%); Female (20.3%).

¹ The holding of *State v. Robinette*, 964 N.W.2d 143 (Minn. 2021), was not known to have been in effect in 2019.

² But see footnote 3 (p. 5).

- **Race & Ethnicity:** White (60.9%); Black (23.2%); American Indian (5.8%); Hispanic (7.2%); Asian (2.9%).
- **Judicial District:** First (8.7%); Second (4.3%); Third (13.0%); Fourth (21.7%); Fifth (5.8%); Sixth (1.4%); Seventh (8.7%); Eighth (5.8%); Ninth (11.6%); and Tenth (18.8%).

Table 1 shows the demographic change resulting from this 2019 baseline prison population adjustment.

Table 1. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, 2019 Baseline Adjustment

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
		2019 Adult Inmate Population		Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.		
MSGC Category	Number	Percent	Rate per 100,000†								Beds	Percent
		Male	8,941	93.07%	417	-112.5	79.7%	8,829	93.3%	+0.2%	394	-1.3%
		Female	666	6.93%	30	-28.6	20.3%	637	6.7%	-0.2%	28	-4.3%
Race & Ethnicity	White	4,427	46.1%	122	-85.9	60.9%	4,341	45.9%	-0.2%	115	-1.9%	
	Black	3,534	36.8%	1,267	-32.7	23.2%	3,501	37.0%	+0.2%	1,202	-0.9%	
	American Indian	843	8.77%	1,269	-8.2	5.8%	835	8.8%		1,176	-1.0%	
	Hispanic	525	5.46%	266	-10.2	7.2%	515	5.44%		245	-1.9%	
	Asian	270	2.8%	118	-4.1	2.9%	266	2.8%		111	-1.5%	
Judicial District	First	825	8.6%	136	-12.3	8.7%	813	8.6%		128	-1.5%	
	Second	1,096	11.4%	259	-6.1	4.3%	1,090	11.5%	+0.1%	247	-0.6%	
	Third	668	6.95%	180	-18.3	13.0%	650	6.9%	-0.1%	167	-2.7%	
	Fourth	2,646	27.54%	267	-30.6	21.7%	2,615	27.6%	+0.1%	255	-1.2%	
	Fifth	479	5.0%	216	-8.2	5.8%	471	5.0%		202	-1.7%	
	Sixth	524	5.45%	259	-2.0	1.4%	522	5.51%	+0.1%	247	-0.4%	
	Seventh	1,075	11.2%	284	-12.3	8.7%	1,063	11.2%		269	-1.1%	
	Eighth	295	3.1%	241	-8.2	5.8%	287	3.03%		223	-2.8%	
	Ninth	941	9.8%	356	-16.4	11.6%	925	9.8%		335	-1.7%	
	Tenth	954	9.93%	126	-26.5	18.8%	927	9.8%	-0.1%	118	-2.8%	
Total††		9,607	100.0%	220	-141.1	100.0%	9,466	100.0%		209	-1.5%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

†† 2019 Adult Inmate Population (Minn. Dept. of Corrections) exclude eight inmates from the Race & Ethnicity category; and 104 inmates from the Judicial District category (because the governing sentence was committed in a non-MN jurisdiction).

A1. Apply custody status only to high criminal history scores

Assumptions:

1. For cases on the Standard and Drug Grids: All eligible cases would receive one CSP; no half points. This will result in the possibility of some presumptive dispositions shifting from probation to prison.
2. For all Grids: Three-month CSP enhancement add-ons to cases with presumptive durations with CHS greater than 6 or more who were under custody supervision would continue to apply; continue to allow CSP for prior misdemeanor and gross misdemeanor offenses.
3. For offenses on the Sex Offender Grid: the 2018 policy is applied so those offenses were eliminated from the impact estimate.

It is estimated that these changes would result in a bed savings of 55.3 beds in the 25-percent sample cases. Multiplying this number by four results in an estimated 221-bed reduction for the whole population: 92 from people no longer receiving a prison sentence and 129 from shorter sentences.³

Table 2. Prison Bed Impact by Offense Type and Type of Change, Proposal A1

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Total Bed Reduction
Person (Total)	-30.16	-85.32	-115.48
Murder/Manslaughter	0	-48.24	-48.24
Assault	-3.36	-12.72	-16.08
Criminal Sexual Conduct	0	0	0
Robbery	-13.84	-10.72	-24.56
Threats of Violence/Stalking	-12.96	-4.68	-17.64
Other Person	0	-6.72	-6.72
Property (Total)	-9.84	-9.6	-19.44
Theft	0	-3.8	-3.8
Burglary	-9.84	-5.6	-15.4
Other Property	0	-2.44	-2.44
Drug	-31.92	-23.4	-55.36
Felony DWI	-19.64	-4.92	-24.56
Non-CSC Sex Offense*	0	-4	-4
Weapon	0	0	0

³ Unlike the other proposals, this estimate uses, as its baseline, the unadjusted sentences imposed in 2019 (see text accompanying footnote 2, above). Upon reflection, staff considers this to have been an error; the baseline should have been adjusted in the same way that it was adjusted for the other proposals (see p. 2). If this had been done, the bed savings for proposal A1 would have been 42 beds, rather than 221 beds.

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Total Bed Reduction
Other**	0	-2.2	-2.2
Total	-91.56	-129.44	-221.04

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 3. Estimated Change in Prison Beds by Fiscal Year, Proposal A1

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	-33	2029	-167	2036	-207	2043	-221
2023	-81	2030	-171	2037	-214	2044	-221
2024	-100	2031	-185	2038	-217	2045	-221
2025	-124	2032	-190	2039	-217	2046	-221
2026	-141	2033	-194	2040	-217	2047	-221
2027	-150	2034	-198	2041	-221	2048	-221
2028	-158	2035	-202	2042	-221	2049	-221

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (77.9%); Female (22.1%).
- **Race & Ethnicity:** White (55.8%); Black (23.2%); American Indian (7.4%); Hispanic (11.6%); Asian (2.1%).
- **Judicial District:** First (6.3%); Second (9.5%); Third (11.6%); Fourth (13.7%); Fifth (7.4%); Sixth (2.1%); Seventh (15.8%); Eighth (5.3%); Ninth (16.8%); and Tenth (11.6%).

Table 4 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 4. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A1

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
		MSGC Category	2019 Adult Inmate Population				Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
			Number	Percent								
					Rate per 100,000†	Beds						Percent
		Male	8,941	93.07%	417	-172.2	77.9%	8,769	93.42%	+0.4%	391	-1.9%
		Female	666	6.93%	30	-48.8	22.1%	617	6.58%	-0.4%	27	-7.3%
Race & Ethnicity	White		4,427	46.1%	122	-123.3	55.8%	4,304	45.9%	-0.2%	114	-2.8%
	Black		3,534	36.8%	1,267	-51.3	23.2%	3,483	37.1%	+0.3%	1,196	-1.5%
	American Indian		843	8.8%	1,269	-16.4	7.4%	827	8.8%		1,164	-1.9%
	Hispanic		525	5.46%	266	-25.6	11.6%	499	5.32%	-0.1%	238	-4.9%
	Asian		270	2.8%	118	-4.6	2.1%	265	2.8%		111	-1.7%
Judicial District	First		825	8.6%	136	-13.9	6.3%	811	8.64%	+0.1%	127	-1.7%
	Second		1,096	11.41%	259	-21.0	9.5%	1,075	11.45%		243	-1.9%
	Third		668	6.95%	180	-25.6	11.6%	642	6.84%	-0.1%	165	-3.8%
	Fourth		2,646	27.54%	267	-30.3	13.7%	2,616	27.87%	+0.3%	255	-1.1%
	Fifth		479	4.99%	216	-16.4	7.4%	463	4.9%	-0.1%	199	-3.4%
	Sixth		524	5.45%	259	-4.6	2.1%	519	5.53%	+0.1%	246	-0.9%
	Seventh		1,075	11.2%	284	-34.9	15.8%	1,040	11.1%	-0.1%	263	-3.2%
	Eighth		295	3.1%	241	-11.7	5.3%	283	3.0%	-0.1%	220	-4.0%
	Ninth		941	9.79%	356	-37.1	16.8%	904	9.6%	-0.2%	327	-3.9%
	Tenth		954	9.93%	126	-25.6	11.6%	928	9.9%		118	-2.7%
Total††		9,607	100.0%	220	-221.0		9,386	100.0%		207	-2.3%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

†† 2019 Adult Inmate Population (Minn. Dept. of Corrections) exclude eight inmates from the Race & Ethnicity category; and 104 inmates from the Judicial District category (because the governing sentence was committed in a non-MN jurisdiction).

A2. Display half points on grids

Assumptions:

Proposal A2 leaves the 2019 custody-status modifications unchanged but alters the sentencing grids to establish presumptive sentences for criminal history scores that contain partial points. Between each pair of neighboring columns on the existing sentencing grids, a new column is added for criminal history scores ending in “½.” Each new cell’s presumptive duration is the average (rounded down) of the presumptive durations of its neighboring whole-point cells. Its presumptive disposition is that of its neighboring cell to the left. Presumptive ranges are calculated consistent with current methodology.

Under this plan, some sentences would be longer, while some would be reduced. It is estimated that these changes would result in a bed savings of 10.9 beds for the cases in the sample. Multiplying this number by four results in an estimated 44-bed reduction for the whole population.

Table 5. Estimated Change in Prison Beds by Fiscal Year, Proposal A2

Year	Estimated Beds		Year	Estimated Beds		Year	Estimated Beds		Year	Estimated Beds
2022	0		2029	-22		2036	-30		2043	-33
2023	-7		2030	-24		2037	-28		2044	-37
2024	-8		2031	-29		2038	-28		2045	-41
2025	-7		2032	-31		2039	-29		2046	-44
2026	-9		2033	-31		2040	-33		2047	-44
2027	-15		2034	-31		2041	-33		2048	-44
2028	-18		2035	-31		2042	-33		2049	-44

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (84.6%); Female (15.4%).
- **Race/Ethnicity:** White (64.1%); Black (17.9%); American Indian (9%); Hispanic (6.4%); Asian (2.6%).
- **Judicial District:** First (9%); Second (3.8%); Third (9%); Fourth (14.1%); Fifth (7.7%); Sixth (3.8%); Seventh (20.5%); Eighth (2.6%); Ninth (17.9%); and Tenth (11.5%).

Table 6 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 6. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A2

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
	MSGC Category	2019 Adult Inmate Population					Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.
		Number	Percent	Rate per 100,000†	Beds	Percent					
Race & Ethnicity	Male	8,941	93.07%	417	−36.8	84.6%	8,904	93.1%		398	−0.4%
	Female	666	6.93%	30	−6.7	15.4%	659	6.9%		29	−1.0%
	White	4,427	46.1%	122	−27.9	64.1%	4,399	46.0%	−0.1%	116	−0.6%
	Black	3,534	36.8%	1,267	−7.8	17.9%	3,526	36.9%	+0.1%	1,211	−0.2%
	American Indian	843	8.8%	1,269	−3.9	9.0%	839	8.8%		1,182	−0.5%
	Hispanic	525	5.46%	266	−2.8	6.4%	522	5.5%		249	−0.5%
	Asian	270	2.8%	118	−1.1	2.6%	269	2.8%		113	−0.4%
Judicial District	First	825	8.6%	136	−3.9	9.0%	821	8.6%		129	−0.5%
	Second	1,096	11.4%	259	−1.7	3.8%	1,094	11.4%		248	−0.2%
	Third	668	6.95%	180	−3.9	9.0%	664	6.94%		171	−0.6%
	Fourth	2,646	27.5%	267	−6.1	14.1%	2,640	27.6%	+0.1%	257	−0.2%
	Fifth	479	5.0%	216	−3.4	7.7%	476	5.0%		204	−0.7%
	Sixth	524	5.5%	259	−1.7	3.8%	522	5.5%		247	−0.3%
	Seventh	1,075	11.2%	284	−8.9	20.5%	1,066	11.15%		269	−0.8%
	Eighth	295	3.1%	241	−1.1	2.6%	294	3.1%		228	−0.4%
	Ninth	941	9.8%	356	−7.8	17.9%	933	9.8%		338	−0.8%
	Tenth	954	9.9%	126	−5.0	11.5%	949	9.9%		121	−0.5%
	Total††	9,607	100.0%	220	−43.5	100.0%	9,563	100.0%		211	−0.5%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

†† 2019 Adult Inmate Population (Minn. Dept. of Corrections) exclude eight inmates from the Race & Ethnicity category; and 104 inmates from the Judicial District category (because the governing sentence was committed in a non-MN jurisdiction).

A3. Establish quarter points

Assumptions:

Retain assignment of **two** custody status points if both the current offense and the custody offense are sex offenses ranked at H or greater. Otherwise, assign **one** custody status point if the custody offense is ranked at 4/H/D4 or greater and both the custody offense and the current offense are person crimes (defined, for these purposes, as felonies listed in section 6). Otherwise, assign **one-half** custody status point when—

- The custody offense is ranked at 4/H/D4 or greater (applicable when either the custody offense or the current offense is not a person crime); or
- Both the current offense and the custody offense are person crimes (defined, for these purposes, as felonies listed in section 6, even if sentenced within misdemeanor or gross misdemeanor limits; targeted misdemeanors; or gross misdemeanors listed in Minn. Stat. § [169A.03, subd. 20](#); [243.167, subd. 1](#); or [609.02, subd. 16](#)).

Otherwise, assign **one-quarter** custody status point (applicable to lesser custody offenses when either the custody offense or the current offense is not a person crime). The matrix below illustrates this criminal-history weighting scheme for custody status:

		CUSTODY OFFENSE				
		H+	4/H/D4 or greater		Below 4/H/D4	
			Person crime	Not a person crime	Person crime	Not a person crime
CURRENT OFFENSE	H+	2				
	Person crime		1	½	½	¼
	Not a person crime		½	½	¼	¼

Retain all other custody status policies, including waiver and the three-month enhancement for excessive criminal history. To give meaning to one-quarter custody status point, eliminate misdemeanor units: where current policy assigns one unit (or two units), instead assign one-quarter point (or one-half point). Round down the sum of all criminal history—including partial misdemeanor and custody-status points—rather than the sum of felony points.

It is estimated that these changes would result in an additional bed need of 13.3 beds for the cases in the sample. Multiplying this number by four results in an estimated 53-bed increase for the whole population. This option results in changes to presumptive dispositions and both longer and shorter sentences. The source of the beds is: –23 beds from cases shifting from prison to probation, +68 beds from cases shifting from probation to prison, +52 beds from cases with longer sentences, and –44 beds from cases with shorter sentences.

Table 7. Prison Bed Impact by Offense Type and Type of Change, Proposal A3

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Number of Beds Due to Shift to Prison	Number of Beds Due to Serving More Time	Total Bed Change
Person (Total)	0	-13.64	63.64	29.92	79.96
Murder/Manslaughter	0	-10.48	0	4.48	-6.04
Assault	0	-0.68	10.72	7.36	17.44
Criminal Sexual Conduct	0	0	0	2.68	2.68
Robbery	0	0	7.36	5.6	12.96
Threats of Violence/Stalking	0	-1.36	45.56	8.04	52.28
Other Person	0	0	0	0	0
Property (Total)	-4.24	-2.44	0	8.28	1.56
Theft	-4.24	-1.36	0	1.56	-4.04
Burglary	0	0	0	2.68	2.68
Other Property	0	-1.12	0	5.8	4.68
Drug	-19	-17.2	4.24	7.8	-24.12
Felony DWI	0	-2.24	0	3.36	1.12
Non-CSC Sex Offense*	0	-7.16	0	2.68	-4.48
Weapon	0	0	0	0	0
Other**	0	-1.12	0	0.2	-0.88
Total	-23.24	-43.76	67.88	52.24	53.16

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 8. Estimated Change in Prison Beds by Fiscal Year, Proposal A3

Year	Estimated Beds		Year	Estimated Beds		Year	Estimated Beds		Year	Estimated Beds
2022	19		2029	52		2036	57		2043	61
2023	43		2030	53		2037	57		2044	60
2024	48		2031	57		2038	57		2045	56
2025	45		2032	57		2039	57		2046	53
2026	45		2033	57		2040	57		2047	53
2027	47		2034	57		2041	61		2048	53
2028	49		2035	57		2042	61		2049	53

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (12.5%); Female (0.8%).
- **Race/Ethnicity:** White (-1.8%); Black (13.3%); American Indian (1.8%); Hispanic (0.5%); Asian (- 0.5%).
- **Judicial District:** First (0.3%); Second (4.2%); Third (3.6%); Fourth (10.4%); Fifth (-0.8%); Sixth (- 0.8%); Seventh (-3.4%); Eighth (1.3%); Ninth (-4.5%); and Tenth (2.9%).

Table 9 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 9. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A3

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
	Number	Percent	Rate per 100,000†								
	Male	8,941	93.07%	417	+6.6	12.5%	8,948	92.63%	−0.4%	399	+0.1%
	Female	666	6.93%	30	+0.4	0.8%	666	6.9%		29	+0.1%
Race & Ethnicity	White	4,427	46.08%	122	−0.9	−1.8%	4,426	45.8%	−0.3%	117	−0.0%
	Black	3,534	36.8%	1,267	+7.0	13.3%	3,541	36.7%	−0.1%	1,216	+0.2%
	American Indian	843	8.8%	1,269	+0.9	1.8%	844	8.74%		1,188	+0.1%
	Hispanic	525	5.5%	266	+0.2	0.5%	525	5.44%		250	+0.0%
	Asian	270	2.8%	118	−0.2	−0.5%	270	2.8%		113	−0.1%
Judicial District	First	825	8.6%	136	+0.2	0.3%	825	8.54%		130	+0.0%
	Second	1,096	11.41%	259	+2.2	4.2%	1,098	11.4%		249	+0.2%
	Third	668	6.95%	180	+1.9	3.6%	670	6.94%		172	+0.3%
	Fourth	2,646	27.54%	267	+5.5	10.4%	2,652	27.4%	−0.1%	258	+0.2%
	Fifth	479	4.99%	216	−0.4	−0.8%	479	5.0%		205	−0.1%
	Sixth	524	5.5%	259	−0.4	−0.8%	524	5.42%		248	−0.1%
	Seventh	1,075	11.2%	284	−1.8	−3.4%	1,073	11.1%	−0.1%	271	−0.2%
	Eighth	295	3.1%	241	+0.7	1.3%	296	3.1%		229	+0.2%
	Ninth	941	9.8%	356	−2.4	−4.5%	939	9.7%	−0.1%	340	−0.3%
	Tenth	954	9.93%	126	+1.5	2.9%	956	9.9%		121	+0.2%
	Total††	9,607	100.0%	220	+53.0		9,660	100.0%		213	+0.6%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

†† 2019 Adult Inmate Population (Minn. Dept. of Corrections) exclude eight inmates from the Race & Ethnicity category; and 104 inmates from the Judicial District category (because the governing sentence was committed in a non-MN jurisdiction).

B1. Repeal without replacement

Assumptions:

1. No three-month CSP enhancement add-ons to presumptive durations with CSP and a CHS greater than 6.
2. No CSP on the Sex Offender Grid – some cases will lose two points.

It is estimated that these changes would result in a bed savings of 134 beds for the cases in the sample. Multiplying this number by four results in an estimated 536-bed reduction for the whole population: 327 from cases moving from prison to probation and 209 beds from shorter sentences.

Table 10. Estimated Change in Prison Beds by Fiscal Year, Proposal B1

Year	Estimated Beds		Year	Estimated Beds		Year	Estimated Beds		Year	Estimated Beds
2022	-146		2029	-472		2036	-529		2043	-536
2023	-278		2030	-487		2037	-533		2044	-536
2024	-325		2031	-509		2038	-536		2045	-536
2025	-359		2032	-513		2039	-536		2046	-536
2026	-396		2033	-517		2040	-536		2047	-536
2027	-423		2034	-521		2041	-536		2048	-536
2028	-441		2035	-525		2042	-536		2049	-536

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (90.3%); Female (9.7%).
- **Race/Ethnicity:** White (54.9%); Black (24.9%); American Indian (11.8%); Hispanic (6.8%); Asian (1.7%).
- **Judicial District:** First (11.4%); Second (8.4%); Third (8.4%); Fourth (14.8%); Fifth (5.5%); Sixth (3.4%); Seventh (14.8%); Eighth (3.8%); Ninth (13.5%); and Tenth (16%).

Table 11 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 11. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal B1

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
	MSGC Category	2019 Adult Inmate Population					Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.
		Number	Percent	Rate per 100,000†							
					Beds	Percent					
Race & Ethnicity	Male	8,941	93.07%	417	−484.0	90.3%	8,457	93.23%	+0.2%	378	−5.4%
	Female	666	6.93%	30	−52.0	9.7%	614	6.77%	−0.2%	27	−7.8%
	White	4,427	46.1%	122	−294.3	54.9%	4,133	45.6%	−0.5%	109	−6.6%
	Black	3,534	36.8%	1,267	−133.5	24.9%	3,401	37.49%	+0.7%	1,167	−3.8%
	American Indian	843	8.8%	1,269	−63.2	11.8%	780	8.6%	−0.2%	1,098	−7.5%
	Hispanic	525	5.46%	266	−36.4	6.8%	489	5.4%	−0.1%	233	−6.9%
Judicial District	Asian	270	2.8%	118	−9.1	1.7%	261	2.9%	+0.1%	109	−3.4%
	First	825	8.59%	136	−61.1	11.4%	764	8.42%	−0.2%	120	−7.4%
	Second	1,096	11.4%	259	−45.0	8.4%	1,051	11.6%	+0.2%	238	−4.1%
	Third	668	6.95%	180	−45.0	8.4%	623	6.9%	−0.1%	160	−6.7%
	Fourth	2,646	27.5%	267	−79.3	14.8%	2,567	28.30%	+0.8%	250	−3.0%
	Fifth	479	5.0%	216	−29.5	5.5%	450	5.0%		193	−6.2%
	Sixth	524	5.5%	259	−18.2	3.4%	506	5.6%	+0.1%	240	−3.5%
	Seventh	1,075	11.2%	284	−79.3	14.8%	996	11.0%	−0.2%	252	−7.4%
	Eighth	295	3.1%	241	−20.4	3.8%	275	3.03%		213	−6.9%
	Ninth	941	9.8%	356	−72.4	13.5%	869	9.6%	−0.2%	315	−7.7%
	Tenth	954	9.9%	126	−85.8	16.0%	868	9.57%	−0.4%	110	−9.0%
Total††		9,607	100.0%	220	−536.0	100.0%	9,071	100.0%		200	−5.6%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

†† 2019 Adult Inmate Population (Minn. Dept. of Corrections) exclude eight inmates from the Race & Ethnicity category; and 104 inmates from the Judicial District category (because the governing sentence was committed in a non-MN jurisdiction).

B2. Replace with a 10-percent mandatory enhancement

Assumptions:

1. Cases currently with a CSP get no CSP; instead, they get a 10-percent durational enhancement rounded down to the nearest whole number unless their custody status is derived from a prior Misdemeanor/GM point, in which case there is no durational enhancement. If both the current offense and the prior offense are on the sex grid, add a 15-percent enhancement (16 cases in 2019 dataset).
2. For cases with durational departures, it is assumed that the total duration will be 10 percent greater than the sentence that was received.
3. Applicable stayed sentences would receive the 10-percent enhancement which would be applied if the case was revoked. If the case received a stay of imposition, the enhanced duration does not apply. The impact of revocations was not estimated.
4. The total sentence including the custody enhancement would not exceed the statutory maximum. Therefore, cases that received a statutory maximum would not also receive a 10-percent custody enhancement. This would affect 9 cases in the 2019 sample.
5. The enhancement would result in some offenders receiving longer sentences.

It is estimated that these changes would result in a reduction of 49.5 beds for the cases in the sample. Multiplying this number by four results in an estimated 198-bed reduction for the whole population: 246 additional beds would result from people receiving longer prison sentences, and 444 beds would be saved from people receiving shorter sentences.

Table 12. Prison Bed Impact by Offense Type and Type of Change, Proposal B2

Offense Type and Offense	Number of Beds Saved Due to Serving Less Time	Number of Beds Needed Due to Serving More Time	Total Bed Change
Person (Total)	-204.28	58.84	-145.44
Murder/Manslaughter	-34.16	4.48	-29.72
Assault	-77.08	17.84	-59.2
Criminal Sexual Conduct	-6.04	6.72	0.68
Robbery	-16.52	10.72	-5.8
Threats of Violence/Stalking	-70.24	12.36	-57.88
Other Person	-0.24	6.72	6.48
Property (Total)	-103.2	41.76	-61.44
Theft	-63.24	9.8	-53.44
Burglary	-17.64	22.12	4.48

Offense Type and Offense	Number of Beds Saved Due to Serving Less Time	Number of Beds Needed Due to Serving More Time	Total Bed Change
Other Property	-22.32	9.84	-12.48
Drug	-80.64	68.72	-11.88
Felony DWI	-21	14.52	-6.48
Non-CSC Sex Offense*	-12.28	11.16	-1.12
Weapon	0	48.24	48.24
Other**	-22.56	2.72	-19.84
Total	-443.92	245.92	-198

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency

Table 13. Estimated Change in Prison Beds by Fiscal Year, Proposal B2

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	-137	2029	-178	2036	-191	2043	-198
2023	-209	2030	-184	2037	-195	2044	-198
2024	-218	2031	-184	2038	-198	2045	-198
2025	-184	2032	-177	2039	-198	2046	-198
2026	-186	2033	-179	2040	-198	2047	-198
2027	-183	2034	-183	2041	-198	2048	-198
2028	-173	2035	-187	2042	-198	2049	-198

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- Gender: Male (92.2%); Female (7.8%).
- Race & Ethnicity: White (52.7%); Black (30.5%); American Indian (8%); Hispanic (6%); Asian (2.8%).
- Judicial District: First (11%); Second (9.6%); Third (7.2%); Fourth (23%); Fifth (6.4%); Sixth (3.8%); Seventh (11.8%); Eighth (3%); Ninth (9.4%); and Tenth (14.6%).

Table 14 shows the demographic change in the prison population that would result from the enactment of this proposal, if the assumptions stated above are accurate.

Table 14. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal B2

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
	MSGC Category	2019 Adult Inmate Population					Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.
		Number	Percent	Rate per 100,000†							
Male	8,941	93.1%	417	−182.6	92.2%	8,758	93.1%		391	−2.0%	
Female	666	6.9%	30	−15.4	7.8%	651	6.9%		28	−2.3%	
Race & Ethnicity	White	4,427	46.1%	122	−104.3	52.7%	4,323	45.94%	−0.1%	114	−2.4%
	Black	3,534	36.8%	1,267	−60.4	30.5%	3,474	36.9%	+0.1%	1,192	−1.7%
	American Indian	843	8.8%	1,269	−15.8	8.0%	827	8.8%		1,165	−1.9%
	Hispanic	525	5.5%	266	−11.9	6.0%	513	5.5%		244	−2.3%
	Asian	270	2.8%	118	−5.5	2.8%	264	2.8%		111	−2.1%
Judicial District	First	825	8.59%	136	−21.8	11.0%	803	8.54%	−0.1%	126	−2.6%
	Second	1,096	11.4%	259	−19.0	9.6%	1,077	11.4%		244	−1.7%
	Third	668	6.95%	180	−14.3	7.2%	654	6.95%		168	−2.1%
	Fourth	2,646	27.5%	267	−45.5	23.0%	2,600	27.6%	+0.1%	253	−1.7%
	Fifth	479	5.0%	216	−12.7	6.4%	466	5.0%		200	−2.6%
	Sixth	524	5.5%	259	−7.5	3.8%	516	5.5%		245	−1.4%
	Seventh	1,075	11.2%	284	−23.4	11.8%	1,052	11.2%		266	−2.2%
	Eighth	295	3.1%	241	−5.9	3.0%	289	3.1%		224	−2.0%
	Ninth	941	9.8%	356	−18.6	9.4%	922	9.8%		334	−2.0%
	Tenth	954	9.9%	126	−28.9	14.6%	925	9.8%	−0.1%	118	−3.0%
	Total	9,607	100.0%	220	−198.0		9,409	100.0%		208	−2.1%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

†† 2019 Adult Inmate Population (Minn. Dept. of Corrections) exclude eight inmates from the Race & Ethnicity category; and 104 inmates from the Judicial District category (because the governing sentence was committed in a non-MN jurisdiction).

B3. Replace with a one-cell discretionary enhancement

Assumptions:

1. This option will reduce the bed impact of eliminating the CSP (B1. Repeal without replacement), which is estimated to be 536 beds.
2. Since it will be a discretionary enhancement rather than an aggravating factor, it will not be subject to the requirement for jury determination of the aggravating factor. Therefore, it is estimated that the enhancement will be used more frequently than the aggravating factor (B4. Replace with a one-cell aggravating factor).
3. The number of cases in which judges will find the enhancement should apply is not known. It is assumed that judges will find that the enhancement applies in 50 to 75 percent of the cases with a CSP. It is therefore assumed that this option will limit the anticipated impact of CSP elimination (B1. Repeal without replacement) to somewhere between 25 and 50 percent.

Based on these assumptions, this proposal is estimated to result in an eventual reduction in the need for between 134 and 268 prison beds.

It is estimated that the demographic profile of the people affected will be similar to that of those affected by the elimination of the CSP (B1. Repeal without replacement).

B4. Replace with a one-cell aggravating factor

Assumptions:

1. This option will reduce the bed impact of eliminating the CSP, which is estimated to be 536 beds.
2. Since it will be an aggravating factor, it will be subject to the requirement for jury determination of the aggravating factor.
3. The number of cases in which the aggravating factor will be found to apply is not known. It is assumed to that the aggravating factor will be used in no more than 25 percent of the cases with a CSP. It is therefore assumed that this option will limit the anticipated impact of CSP elimination (B1. Repeal without replacement) to 75 percent.

Based on these assumptions, this proposal is estimated to result in an eventual reduction in the need for 402 prison beds.

It is estimated that the demographic profile of the people affected will be similar to that of those affected by the elimination of the CSP (B1. Repeal without replacement).

Appendix

Appendix 1. Current State Demographics

Table 15 displays current demographic information pertaining to three populations within the state: the felony population (that is, the population of offenders sentenced for felony offenses in 2019); the adult prison population (as of July 1, 2019); and the adult population (on July 1, 2019, as estimated by the U.S. Census Bureau). Table 15 breaks down those populations by the following demographic categories: Gender; race and ethnicity; and judicial district.

Table 15. Minnesota's 2019 General Population, Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

	General Population			Felony Population			Prison Population	
	U.S. Census Category	2019 Estimated Adult Population		MSGC Category	Offenders Sentenced in 2019		2019 Adult Inmate Population	
		Number	Percent		Number	Percent	Number	Percent
	Male	2,144,041	49.4%	Male	13,937	80.4%	8,941	93.07%
	Female	2,192,434	50.6%	Female	3,398	19.6%	666	6.93%
Race & Ethnicity	White*	3,629,537	83.7%	White	9,853	56.8%	4,427	46.1%
	Black or African American*	278,909	6.4%	Black	4,580	26.4%	3,534	36.8%
	American Indian*	66,414	1.5%	American Indian	1,492	8.6%	843	8.77%
	Hispanic**	197,548	4.6%	Hispanic**	903	5.2%	525	5.5%
	Asian*	228,242	5.3%	Asian	499	2.9%	270	2.8%
	Native Hawaiian/ Other Pacific Islander*	4,975	0.1%	Other/ Unknown***	8	0.0%	8	8.6%
Judicial District	First	608,254	14.0%	First	2,213	12.8%	825	11.4%
	Second	422,368	9.7%	Second	1,902	11.0%	1,096	6.95%
	Third	372,086	8.6%	Third	1,254	7.2%	668	27.54%
	Fourth	989,707	22.8%	Fourth	3,551	20.5%	2,646	5.0%
	Fifth	221,404	5.1%	Fifth	1,064	6.1%	479	5.5%
	Sixth	202,578	4.7%	Sixth	732	4.2%	524	11.2%
	Seventh	379,092	8.7%	Seventh	1,810	10.4%	1,075	3.07%
	Eighth	122,619	2.8%	Eighth	522	3.0%	295	9.8%
	Ninth	264,123	6.1%	Ninth	1,620	9.3%	941	9.93%
	Tenth	754,244	17.4%	Tenth	2,667	15.4%	954	93.07%
	Total	4,336,475	100.0%	Total	17,335	100.0%	9,607	100.0%

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*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 (101.6%) because residents of more than one race are counted in more than one category. **This table lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Source of July 1, 2019, Adult Inmate Population: Minn. Department of Corrections. Judicial district populations exclude 104 inmates whose governing sentences were for offenses committed in non-Minnesota jurisdictions.

Staff Information Paper – Updated 11/3/2021*

Estimated Impact of October Custody Status Proposals

Contents

Assumptions Common to all Proposals.....	1
A1. Apply custody status only to high criminal history scores.....	5
A2. Display half points on grids.....	8
A3. Establish quarter points.....	10
B1. Repeal without replacement	14
B2. Replace with a 10-percent mandatory enhancement	16
B3. Replace with a one-cell discretionary enhancement.....	19
B4. Replace with a one-cell aggravating factor.....	19
Appendix	20

Assumptions Common to all Proposals

Impact estimates are based on 2019 MSGC monitoring data. It is assumed that future cases will be similar in terms of offenses, offense severity, offense distribution, criminal history scores (CHS) (except as discussed on the following page), departure rates, and demographic characteristics to those sentenced in 2019. There were 17,335 cases sentenced in 2019:

- 9,015 (52%) did not have a Custody Status Point (CSP)
- 8,316 (48%) had a CSP
 - 183 (1%) had a CSP of 0.5
 - 8,121 (47%) had a CSP of 1.0
 - 16 (0.1%) had a CSP of 2.0.

* Updates to text on page 10 were due to errors identified during the Commission meeting. Corrections to Table 1, Table 4, Table 6, Table 9, Table 11, and Table 14, are due to errors discovered by staff following the meeting. Table 10 was incomplete when presented; bed-timing has been added. See "Superseded" version of the staff paper (attached).

- Of the 8,316 cases with a CSP, 2,568 received a prison sentence; 58 of them (2.3%) received a consecutive sentence. Because it was problematical to determine how consecutive sentences would change under these proposals, these cases were not included in the impact estimates.

The August 1, 2019, changes to calculation of the CSP have had and will continue to have an impact on the contribution of the CSP in the future. The following CSP changes were made effective August 1, 2019, and were therefore not applicable to most of the cases sentenced in the baseline year (2019):¹

- No CSP for Minn. Stat. § 152.18 stays of adjudication
- No CSP for merely being within the original probation term, even if not on probation
- One-half CSP for misdemeanors, gross misdemeanors and Severity Level 1 or 2 offenses

Staff attempted to adjust the 2019 baseline to account for the impact of these 2019 changes. To that end, staff randomly sampled 25 percent (2,038) of the cases with a CSP in 2019. The worksheets for the sample cases were examined to determine the source of the custody status. Staff found the following:

- 167 (8%) would have CSP of 0 (due to the stay-of-adjudication and original-probation-term policies)
- 920 (45%) would have a CSP of 0.5 (due to the half-point policy)
- 952 (47%) would continue to have a CSP of 1

To adjust the 2019 baseline, staff recalculated the CHS for these offenders by adding up all the components and then rounding the total down (the “EWS method”). While staff recognizes that the Commission has not resolved the question of how half points are to be counted in CHS (see MSGC staff information paper, “[A Brief Chronology of the Half Custody Status Point](#),” Sept. 2, 2021 (Sept. 9, 2021, MSGC meeting materials)), staff was concerned that employing either alternative method of counting half points—to count half points as worth nothing in CHS, or to count half points as worth a whole point in CHS—would either understate or overstate the impact of 2018 Commission’s decision to adopt the half-point policy. Staff therefore selected the EWS method as the middle-ground method of adjusting the 2019 baseline.

It is estimated that these adjustments would result in a bed savings of 35.3 beds for the cases in the 25-percent sample. Multiplying this number by four results in an estimated 141-bed reduction for the whole 2019 population. These beds come from two sources: 66 beds from people no longer receiving a prison sentence and 75 beds from shorter sentences. This adjusted baseline was used for calculating the impact of each of the various proposals—except for A1, the only proposal to retain the pre-2019 whole-point policy.²

It is estimated that the demographic characteristics of the people who would be shifted out of prison beds as a result of the 2019 baseline adjustment are as follows.

- **Gender:** Male (79.7%); Female (20.3%).
- **Race & Ethnicity:** White (60.9%); Black (23.2%); American Indian (5.8%); Hispanic (7.2%); Asian (2.9%).

¹ The holding of *State v. Robinette*, [964 N.W.2d 143 \(Minn. 2021\)](#), was not known to have been in effect in 2019.

² But see footnote 3 (p. 5).

- **Judicial District:** First (8.7%); Second (4.3%); Third (13.0%); Fourth (21.7%); Fifth (5.8%); Sixth (1.4%); Seventh (8.7%); Eighth (5.8%); Ninth (11.6%); and Tenth (18.8%).

Table 1 shows the demographic change resulting from this 2019 baseline prison population adjustment.

Superseded, v.2

Table 1. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, 2019 Baseline Adjustment

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
		2019 Adult Inmate Population							Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
MSGC Category		Number	Percent	Rate per 100,000†			Beds	Percent				Number
		Male	8,941	93.07%	417	-112.5	79.7%	8,829	93.3%	+0.2%	394	-1.3%
		Female	666	6.93%	30	-28.6	20.3%	637	6.7%	-0.2%	28	-4.3%
Race & Ethnicity	White	4,427	46.1%	122	-85.9	60.9%	4,341	45.9%	-0.2%	115	-1.9%	
	Black	3,534	36.8%	1,267	-32.7	23.2%	3,501	37.0%	+0.2%	1,202	-0.9%	
	American Indian	843	8.77%	1,269	-8.2	5.8%	835	8.8%		1,176	-1.0%	
	Hispanic	525	5.46%	266	-10.2	7.2%	515	5.44%		245	-1.9%	
	Asian	270	2.8%	118	-4.1	2.9%	266	2.8%		111	-1.5%	
Judicial District	First	825	8.6%	136	-12.3	8.7%	813	8.6%		128	-1.5%	
	Second	1,096	11.4%	259	-6.1	4.3%	1,090	11.5%	+0.1%	247	-0.6%	
	Third	668	6.95%	180	-18.3	13.0%	650	6.9%	-0.1%	167	-2.7%	
	Fourth	2,646	27.54%	267	-30.6	21.7%	2,615	27.6%	+0.1%	255	-1.2%	
	Fifth	479	5.0%	216	-8.2	5.8%	471	5.0%		202	-1.7%	
	Sixth	524	5.45%	259	-2.0	1.4%	522	5.51%	+0.1%	247	-0.4%	
	Seventh	1,075	11.2%	284	-12.3	8.7%	1,063	11.2%		269	-1.1%	
	Eighth	295	3.1%	241	-8.2	5.8%	287	3.03%		223	-2.8%	
	Ninth	941	9.8%	356	-16.4	11.6%	925	9.8%		335	-1.7%	
	Tenth	954	9.93%	126	-26.5	18.8%	927	9.8%	-0.1%	118	-2.8%	
Total		9,607	100.0%	220	-141.1	100.0%	9,466	100.0%		209	-1.5%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

A1. Apply custody status only to high criminal history scores

Assumptions:

1. For cases on the Standard and Drug Grids: All eligible cases would receive one CSP; no half points. This will result in the possibility of some presumptive dispositions shifting from probation to prison.
2. For all Grids: Three-month CSP enhancement add-ons to cases with presumptive durations with CHS greater than 6 or more who were under custody supervision would continue to apply; continue to allow CSP for prior misdemeanor and gross misdemeanor offenses.
3. For offenses on the Sex Offender Grid: the 2018 policy is applied so those offenses were eliminated from the impact estimate.

It is estimated that these changes would result in a bed savings of 55.3 beds in the 25-percent sample cases. Multiplying this number by four results in an estimated 221-bed reduction for the whole population: 92 from people no longer receiving a prison sentence and 129 from shorter sentences.³

Table 2. Prison Bed Impact by Offense Type and Type of Change, Proposal A1

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Total Bed Reduction
Person (Total)	-30.16	-85.32	-115.48
Murder/Manslaughter	0	-48.24	-48.24
Assault	-3.36	-12.72	-16.08
Criminal Sexual Conduct	0	0	0
Robbery	-13.84	-10.72	-24.56
Threats of Violence/Stalking	-12.96	-4.68	-17.64
Other Person	0	-6.72	-6.72
Property (Total)	-9.84	-9.6	-19.44
Theft	0	-3.8	-3.8
Burglary	-9.84	-5.6	-15.4
Other Property	0	-2.44	-2.44
Drug	-31.92	-23.4	-55.36
Felony DWI	-19.64	-4.92	-24.56
Non-CSC Sex Offense*	0	-4	-4
Weapon	0	0	0

³ Unlike the other proposals, this estimate uses, as its baseline, the unadjusted sentences imposed in 2019 (see text accompanying footnote 2, above). Upon reflection, staff considers this to have been an error; the baseline should have been adjusted in the same way that it was adjusted for the other proposals (see p. 2). If this had been done, the bed savings for proposal A1 would have been 42 beds, rather than 221 beds.

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Total Bed Reduction
Other**	0	-2.2	-2.2
Total	-91.56	-129.44	-221.04

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 3. Estimated Change in Prison Beds by Fiscal Year, Proposal A1

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	-33	2029	-167	2036	-207	2043	-221
2023	-81	2030	-171	2037	-214	2044	-221
2024	-100	2031	-185	2038	-217	2045	-221
2025	-124	2032	-190	2039	-217	2046	-221
2026	-141	2033	-194	2040	-217	2047	-221
2027	-150	2034	-198	2041	-221	2048	-221
2028	-158	2035	-202	2042	-221	2049	-221

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (-49.6%); Female (-5.7%).
- **Race & Ethnicity:** White (-25.5%); Black (-12.6%); American Indian (-10.6%); Hispanic (-3.7%); Asian (-2.9%).
- **Judicial District:** First (-3.2%); Second (-6.1%); Third (-2.7%); Fourth (-7.8%); Fifth (-4.4%); Sixth (-3.7%); Seventh (-6.0%); Eighth (-7.8%); Ninth (-9.7%); and Tenth (-3.9%).

Table 4 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 4. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A1

Prison Population					Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
	Number	Percent	Rate per 100,000†								Beds
Race & Ethnicity	Male	8,941	93.07%	417	+109.5	-49.6%	9,051	96.43%	+3.4%	404	+1.2%
	Female	666	6.93%	30	+12.6	-5.7%	679	7.23%	+0.3%	30	+1.9%
	White	4,427	46.1%	122	+56.4	-25.5%	4,483	47.8%	+1.7%	118	+1.3%
	Black	3,534	36.8%	1,267	+27.8	-12.6%	3,562	37.95%	+1.2%	1,223	+0.8%
	American Indian	843	8.8%	1,269	+23.4	-10.6%	866	9.23%	+0.5%	1,220	+2.8%
	Hispanic	525	5.46%	266	+8.3	-3.7%	533	5.7%	+0.2%	254	+1.6%
	Asian	270	2.8%	118	+6.3	-2.9%	276	2.9%	+0.1%	116	+2.3%
	Judicial District	First	825	8.6%	136	+7.2	-3.2%	832	8.9%	+0.3%	131
Second		1,096	11.41%	259	+13.6	-6.1%	1,110	11.82%	+0.4%	251	+1.2%
Third		668	6.95%	180	+6.0	-2.7%	674	7.18%	+0.2%	173	+0.9%
Fourth		2,646	27.54%	267	+17.3	-7.8%	2,663	28.38%	+0.8%	260	+0.7%
Fifth		479	4.99%	216	+9.6	-4.4%	489	5.21%	+0.2%	210	+2.0%
Sixth		524	5.45%	259	+8.2	-3.7%	532	5.7%	+0.2%	252	+1.6%
Seventh		1,075	11.2%	284	+13.2	-6.0%	1,088	11.6%	+0.4%	275	+1.2%
Eighth		295	3.1%	241	+17.1	-7.8%	312	3.33%	+0.3%	242	+5.8%
Ninth		941	9.79%	356	+21.5	-9.7%	962	10.25%	+0.5%	349	+2.3%
Tenth		954	9.93%	126	+8.5	-3.9%	963	10.25%	+0.3%	122	+0.9%
Total		9,607	100.0%	220	-221.0		9,386	100.0%		207	-2.3%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

A2. Display half points on grids

Assumptions:

Proposal A2 leaves the 2019 custody-status modifications unchanged but alters the sentencing grids to establish presumptive sentences for criminal history scores that contain partial points. Between each pair of neighboring columns on the existing sentencing grids, a new column is added for criminal history scores ending in “½.” Each new cell’s presumptive duration is the average (rounded down) of the presumptive durations of its neighboring whole-point cells. Its presumptive disposition is that of its neighboring cell to the left. Presumptive ranges are calculated consistent with current methodology.

Under this plan, some sentences would be longer, while some would be reduced. It is estimated that these changes would result in a bed savings of 10.9 beds for the cases in the sample. Multiplying this number by four results in an estimated 44-bed reduction for the whole population.

Table 5. Estimated Change in Prison Beds by Fiscal Year, Proposal A2

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	0	2029	-22	2036	-30	2043	-33
2023	-7	2030	-24	2037	-28	2044	-37
2024	-8	2031	-29	2038	-28	2045	-41
2025	-7	2032	-31	2039	-29	2046	-44
2026	-9	2033	-31	2040	-33	2047	-44
2027	-15	2034	-31	2041	-33	2048	-44
2028	-18	2035	-31	2042	-33	2049	-44

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (84.6%); Female (15.4%).
- **Race/Ethnicity:** White (64.1%); Black (17.9%); American Indian (9%); Hispanic (6.4%); Asian (2.6%).
- **Judicial District:** First (9%); Second (3.8%); Third (9%); Fourth (14.1%); Fifth (7.7%); Sixth (3.8%); Seventh (20.5%); Eighth (2.6%); Ninth (17.9%); and Tenth (11.5%).

Table 6 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 6. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A2

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
MSGC Category		2019 Adult Inmate Population		Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.		
		Number	Percent								Rate per 100,000†	
					Beds	Percent						
		Male	8,941	93.07%	417	-36.8	84.6%	8,904	93.1%		398	-0.4%
		Female	666	6.93%	30	-6.7	15.4%	659	6.9%		29	-1.0%
Race & Ethnicity		White	4,427	46.1%	122	-27.9	64.1%	4,399	46.0%	-0.1%	116	-0.6%
		Black	3,534	36.8%	1,267	-7.8	17.9%	3,526	36.9%	+0.1%	1,211	-0.2%
		American Indian	843	8.8%	1,269	-3.9	9.0%	839	8.8%		1,182	-0.5%
		Hispanic	525	5.46%	266	-2.8	6.4%	522	5.5%		249	-0.5%
		Asian	270	2.8%	118	-1.1	2.6%	269	2.8%		113	-0.4%
Judicial District		First	825	8.6%	136	-3.9	9.0%	821	8.6%		129	-0.5%
		Second	1,096	11.4%	259	-1.7	3.8%	1,094	11.4%		248	-0.2%
		Third	668	6.95%	180	-3.9	9.0%	664	6.94%		171	-0.6%
		Fourth	2,646	27.5%	267	-6.1	14.1%	2,640	27.6%	+0.1%	257	-0.2%
		Fifth	479	5.0%	216	-3.4	7.7%	476	5.0%		204	-0.7%
		Sixth	524	5.5%	259	-1.7	3.8%	522	5.5%		247	-0.3%
		Seventh	1,075	11.2%	284	-8.9	20.5%	1,066	11.15%		269	-0.8%
		Eighth	295	3.1%	241	-1.1	2.6%	294	3.1%		228	-0.4%
		Ninth	941	9.8%	356	-7.8	17.9%	933	9.8%		338	-0.8%
		Tenth	954	9.9%	126	-5.0	11.5%	949	9.9%		121	-0.5%
	Total	9,607	100.0%	220	-43.5	100.0%	9,563	100.0%		211	-0.5%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

A3. Establish quarter points

Assumptions:

Retain assignment of **two** custody status points if both the current offense and the custody offense are sex offenses ranked at H or greater. Otherwise, assign **one** custody status point if the custody offense is ranked at 4/H/D4 or greater and both the custody offense and the current offense are person crimes (defined, for these purposes, as felonies listed in section 6). Otherwise, assign **one-half** custody status point when—

- The custody offense is ranked at 4/H/D4 or greater (applicable when either the custody offense or the current offense is not a person crime); or
- Both the current offense and the custody offense are person crimes (defined, for these purposes, as felonies listed in section 6, even if sentenced within misdemeanor or gross misdemeanor limits; targeted misdemeanors; or gross misdemeanors listed in Minn. Stat. § [169A.03, subd. 20](#); [243.167, subd. 1](#); or [609.02, subd. 16](#)).

Otherwise, assign **one-quarter** custody status point (applicable to lesser custody offenses when either the custody offense or the current offense is not a person crime). The matrix below illustrates this criminal-history weighting scheme for custody status:

		CUSTODY OFFENSE				
		H+	4/H/D4 or greater		Below 4/H/D4	
			Person crime	Not a person crime	Person crime	Not a person crime
CURRENT OFFENSE	H+	2				
	Person crime		1	½	½	¼
	Not a person crime		½	½	¼	¼

Retain all other custody status policies, including waiver and the three-month enhancement for excessive criminal history. To give meaning to one-quarter custody status point, eliminate misdemeanor units: where current policy assigns one unit (or two units), instead assign one-quarter point (or one-half point). Round down the sum of all criminal history—including partial misdemeanor and custody-status points—rather than the sum of felony points.

It is estimated that these changes would result in an **additional** ~~bed~~ **savings need** of 13.3 beds for the cases in the sample. Multiplying this number by four results in an estimated 53-bed ~~reduction~~ **increase** for the whole population. This option results in changes to presumptive dispositions and both longer and shorter sentences. The source of the beds is: -23 beds from cases shifting from prison to probation, +68 beds from cases shifting from probation to prison, +52 beds from cases with longer sentences, and -44 beds from cases with shorter sentences.

Table 7. Prison Bed Impact by Offense Type and Type of Change, Proposal A3

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Number of Beds Due to Shift to Prison	Number of Beds Due to Serving More Time	Total Bed Change
Person (Total)	0	-13.64	63.64	29.92	79.96
Murder/Manslaughter	0	-10.48	0	4.48	-6.04
Assault	0	-0.68	10.72	7.36	17.44
Criminal Sexual Conduct	0	0	0	2.68	2.68
Robbery	0	0	7.36	5.6	12.96
Threats of Violence/Stalking	0	-1.36	45.56	8.04	52.28
Other Person	0	0	0	0	0
Property (Total)	-4.24	-2.44	0	8.28	1.56
Theft	-4.24	-1.36	0	1.56	-4.04
Burglary	0	0	0	2.68	2.68
Other Property	0	-1.12	0	5.8	4.68
Drug	-19	-17.2	4.24	7.8	-24.12
Felony DWI	0	-2.24	0	3.36	1.12
Non-CSC Sex Offense*	0	-7.16	0	2.68	-4.48
Weapon	0	0	0	0	0
Other**	0	-1.12	0	0.2	-0.88
Total	-23.24	-43.76	67.88	52.24	53.16

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 8. Estimated Change in Prison Beds by Fiscal Year, Proposal A3

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	19	2029	52	2036	57	2043	61
2023	43	2030	53	2037	57	2044	60
2024	48	2031	57	2038	57	2045	56
2025	45	2032	57	2039	57	2046	53
2026	45	2033	57	2040	57	2047	53
2027	47	2034	57	2041	61	2048	53
2028	49	2035	57	2042	61	2049	53

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (12.5%); Female (0.8%).
- **Race/Ethnicity:** White (-1.8%); Black (13.3%); American Indian (1.8%); Hispanic (0.5%); Asian (- 0.5%).
- **Judicial District:** First (0.3%); Second (4.2%); Third (3.6%); Fourth (10.4%); Fifth (-0.8%); Sixth (- 0.8%); Seventh (-3.4%); Eighth (1.3%); Ninth (- 4.5%); and Tenth (2.9%).

Table 9 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 9. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A3

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.		
	Number	Percent	Rate per 100,000†									
		Male	8,941	93.07%	417	+6.6	12.5%	8,948	92.63%	-0.4%	399	+0.1%
		Female	666	6.93%	30	+0.4	0.8%	666	6.9%		29	+0.1%
Race & Ethnicity		White	4,427	46.08%	122	-0.9	-1.8%	4,426	45.8%	-0.3%	117	-0.0%
		Black	3,534	36.8%	1,267	+7.0	13.3%	3,541	36.7%	-0.1%	1,216	+0.2%
		American Indian	843	8.8%	1,269	+0.9	1.8%	844	8.74%		1,188	+0.1%
		Hispanic	525	5.5%	266	+0.2	0.5%	525	5.44%		250	+0.0%
		Asian	270	2.8%	118	-0.2	-0.5%	270	2.8%		113	-0.1%
Judicial District		First	825	8.6%	136	+0.2	0.3%	825	8.54%		130	+0.0%
		Second	1,096	11.41%	259	+2.2	4.2%	1,098	11.4%		249	+0.2%
		Third	668	6.95%	180	+1.9	3.6%	670	6.94%		172	+0.3%
		Fourth	2,646	27.54%	267	+5.5	10.4%	2,652	27.4%	-0.1%	258	+0.2%
		Fifth	479	4.99%	216	-0.4	-0.8%	479	5.0%		205	-0.1%
		Sixth	524	5.5%	259	-0.4	-0.8%	524	5.42%		248	-0.1%
		Seventh	1,075	11.2%	284	-1.8	-3.4%	1,073	11.1%	-0.1%	271	-0.2%
		Eighth	295	3.1%	241	+0.7	1.3%	296	3.1%		229	+0.2%
		Ninth	941	9.8%	356	-2.4	-4.5%	939	9.7%	-0.1%	340	-0.3%
		Tenth	954	9.93%	126	+1.5	2.9%	956	9.9%		121	+0.2%
	Total	9,607	100.0%	220	+53.0		9,660	100.0%		213	+0.6%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

B1. Repeal without replacement

Assumptions:

1. No three-month CSP enhancement add-ons to presumptive durations with CSP and a CHS greater than 6.
2. No CSP on the Sex Offender Grid – some cases will lose two points.

It is estimated that these changes would result in a bed savings of 134 beds for the cases in the sample. Multiplying this number by four results in an estimated 536-bed reduction for the whole population: 327 from cases moving from prison to probation and 209 beds from shorter sentences.

Table 10. Estimated Change in Prison Beds by Fiscal Year, Proposal B1

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	<u>-146</u>	2029	<u>-472</u>	2036	<u>-529</u>	2043	<u>-536</u>
2023	<u>-278</u>	2030	<u>-487</u>	2037	<u>-533</u>	2044	<u>-536</u>
2024	<u>-325</u>	2031	<u>-509</u>	2038	<u>-536</u>	2045	<u>-536</u>
2025	<u>-359</u>	2032	<u>-513</u>	2039	<u>-536</u>	2046	<u>-536</u>
2026	<u>-396</u>	2033	<u>-517</u>	2040	<u>-536</u>	2047	<u>-536</u>
2027	<u>-423</u>	2034	<u>-521</u>	2041	<u>-536</u>	2048	<u>-536</u>
2028	<u>-441</u>	2035	<u>-525</u>	2042	<u>-536</u>	2049	<u>-536</u>

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (90.3%); Female (9.7%).
- **Race/Ethnicity:** White (54.9%); Black (24.9%); American Indian (11.8%); Hispanic (6.8%); Asian (1.7%).
- **Judicial District:** First (11.4%); Second (8.4%); Third (8.4%); Fourth (14.8%); Fifth (5.5%); Sixth (3.4%); Seventh (14.8%); Eighth (3.8%); Ninth (13.5%); and Tenth (16%).

Table 11 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 11. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal B1

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
	Number	Percent	Rate per 100,000†								
	Male	8,941	93.07%	417	-484.0	90.3%	8,457	93.23%	+0.2%	378	-5.4%
	Female	666	6.93%	30	-52.0	9.7%	614	6.77%	-0.2%	27	-7.8%
Race & Ethnicity	White	4,427	46.1%	122	-294.3	54.9%	4,133	45.6%	-0.5%	109	-6.6%
	Black	3,534	36.8%	1,267	-133.5	24.9%	3,401	37.49%	+0.7%	1,167	-3.8%
	American Indian	843	8.8%	1,269	-63.2	11.8%	780	8.6%	-0.2%	1,098	-7.5%
	Hispanic	525	5.46%	266	-36.4	6.8%	489	5.4%	-0.1%	233	-6.9%
	Asian	270	2.8%	118	-9.1	1.7%	261	2.9%	+0.1%	109	-3.4%
Judicial District	First	825	8.59%	136	-61.1	11.4%	764	8.42%	-0.2%	120	-7.4%
	Second	1,096	11.4%	259	-45.0	8.4%	1,051	11.6%	+0.2%	238	-4.1%
	Third	668	6.95%	180	-45.0	8.4%	623	6.9%	-0.1%	160	-6.7%
	Fourth	2,646	27.5%	267	-79.3	14.8%	2,567	28.30%	+0.8%	250	-3.0%
	Fifth	479	5.0%	216	-29.5	5.5%	450	5.0%		193	-6.2%
	Sixth	524	5.5%	259	-18.2	3.4%	506	5.6%	+0.1%	240	-3.5%
	Seventh	1,075	11.2%	284	-79.3	14.8%	996	11.0%	-0.2%	252	-7.4%
	Eighth	295	3.1%	241	-20.4	3.8%	275	3.03%		213	-6.9%
	Ninth	941	9.8%	356	-72.4	13.5%	869	9.6%	-0.2%	315	-7.7%
	Tenth	954	9.9%	126	-85.8	16.0%	868	9.57%	-0.4%	110	-9.0%
	Total	9,607	100.0%	220	-536.0	100.0%	9,071	100.0%		200	-5.6%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

B2. Replace with a 10-percent mandatory enhancement

Assumptions:

1. Cases currently with a CSP get no CSP; instead, they get a 10-percent durational enhancement rounded down to the nearest whole number unless their custody status is derived from a prior Misdemeanor/GM point, in which case there is no durational enhancement. If both the current offense and the prior offense are on the sex grid, add a 15-percent enhancement (16 cases in 2019 dataset).
2. For cases with durational departures, it is assumed that the total duration will be 10 percent greater than the sentence that was received.
3. Applicable stayed sentences would receive the 10-percent enhancement which would be applied if the case was revoked. If the case received a stay of imposition, the enhanced duration does not apply. The impact of revocations was not estimated.
4. The total sentence including the custody enhancement would not exceed the statutory maximum. Therefore, cases that received a statutory maximum would not also receive a 10-percent custody enhancement. This would affect 9 cases in the 2019 sample.
5. The enhancement would result in some offenders receiving longer sentences.

It is estimated that these changes would result in a reduction of 49.5 beds for the cases in the sample. Multiplying this number by four results in an estimated 198-bed reduction for the whole population: 246 additional beds would result from people receiving longer prison sentences, and 444 beds would be saved from people receiving shorter sentences.

Table 12. Prison Bed Impact by Offense Type and Type of Change, Proposal B2

Offense Type and Offense	Number of Beds Saved Due to Serving Less Time	Number of Beds Needed Due to Serving More Time	Total Bed Change
Person (Total)	-204.28	58.84	-145.44
Murder/Manslaughter	-34.16	4.48	-29.72
Assault	-77.08	17.84	-59.2
Criminal Sexual Conduct	-6.04	6.72	0.68
Robbery	-16.52	10.72	-5.8
Threats of Violence/Stalking	-70.24	12.36	-57.88
Other Person	-0.24	6.72	6.48
Property (Total)	-103.2	41.76	-61.44
Theft	-63.24	9.8	-53.44
Burglary	-17.64	22.12	4.48
Other Property	-22.32	9.84	-12.48

Offense Type and Offense	Number of Beds Saved Due to Serving Less Time	Number of Beds Needed Due to Serving More Time	Total Bed Change
Drug	-80.64	68.72	-11.88
Felony DWI	-21	14.52	-6.48
Non-CSC Sex Offense*	-12.28	11.16	-1.12
Weapon	0	48.24	48.24
Other**	-22.56	2.72	-19.84
Total	-443.92	245.92	-198

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency

Table 13. Estimated Change in Prison Beds by Fiscal Year, Proposal B2

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	-137	2029	-178	2036	-191	2043	-198
2023	-209	2030	-184	2037	-195	2044	-198
2024	-218	2031	-184	2038	-198	2045	-198
2025	-184	2032	-177	2039	-198	2046	-198
2026	-186	2033	-179	2040	-198	2047	-198
2027	-183	2034	-183	2041	-198	2048	-198
2028	-173	2035	-187	2042	-198	2049	-198

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- Gender: Male (92.2%); Female (7.8%).
- Race & Ethnicity: White (52.7%); Black (30.5%); American Indian (8%); Hispanic (6%); Asian (2.8%).
- Judicial District: First (11%); Second (9.6%); Third (7.2%); Fourth (23%); Fifth (6.4%); Sixth (3.8%); Seventh (11.8%); Eighth (3%); Ninth (9.4%); and Tenth (14.6%).

Table 14 shows the demographic change in the prison population that would result from the enactment of this proposal, if the assumptions stated above are accurate.

Table 14. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal B2

Prison Population					Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
	Number	Percent	Rate per 100,000†								
Race & Ethnicity	Male	8,941	93.1%	417	-182.6	92.2%	8,758	93.1%	391	-2.0%	
	Female	666	6.9%	30	-15.4	7.8%	651	6.9%	28	-2.3%	
	White	4,427	46.1%	122	-104.3	52.7%	4,323	45.94%	114	-2.4%	
	Black	3,534	36.8%	1,267	-60.4	30.5%	3,474	36.9%	1,192	-1.7%	
	American Indian	843	8.8%	1,269	-15.8	8.0%	827	8.8%	1,165	-1.9%	
	Hispanic	525	5.5%	266	-11.9	6.0%	513	5.5%	244	-2.3%	
	Asian	270	2.8%	118	-5.5	2.8%	264	2.8%	111	-2.1%	
	First	825	8.59%	136	-21.8	11.0%	803	8.54%	126	-2.6%	
	Second	1,096	11.4%	259	-19.0	9.6%	1,077	11.4%	244	-1.7%	
	Third	668	6.95%	180	-14.3	7.2%	654	6.95%	168	-2.1%	
	Fourth	2,646	27.5%	267	-45.5	23.0%	2,600	27.6%	253	-1.7%	
Judicial District	Fifth	479	5.0%	216	-12.7	6.4%	466	5.0%	200	-2.6%	
	Sixth	524	5.5%	259	-7.5	3.8%	516	5.5%	245	-1.4%	
	Seventh	1,075	11.2%	284	-23.4	11.8%	1,052	11.2%	266	-2.2%	
	Eighth	295	3.1%	241	-5.9	3.0%	289	3.1%	224	-2.0%	
	Ninth	941	9.8%	356	-18.6	9.4%	922	9.8%	334	-2.0%	
	Tenth	954	9.9%	126	-28.9	14.6%	925	9.8%	118	-3.0%	
	Total	9,607	100.0%	220	-198.0		9,409	100.0%	208	-2.1%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

B3. Replace with a one-cell discretionary enhancement

Assumptions:

1. This option will reduce the bed impact of eliminating the CSP (B1. Repeal without replacement), which is estimated to be 536 beds.
2. Since it will be a discretionary enhancement rather than an aggravating factor, it will not be subject to the requirement for jury determination of the aggravating factor. Therefore, it is estimated that the enhancement will be used more frequently than the aggravating factor (B4. Replace with a one-cell aggravating factor).
3. The number of cases in which judges will find the enhancement should apply is not known. It is assumed that judges will find that the enhancement applies in 50 to 75 percent of the cases with a CSP. It is therefore assumed that this option will limit the anticipated impact of CSP elimination (B1. Repeal without replacement) to somewhere between 25 and 50 percent.

Based on these assumptions, this proposal is estimated to result in an eventual reduction in the need for between 134 and 268 prison beds.

It is estimated that the demographic profile of the people affected will be similar to that of those affected by the elimination of the CSP (B1. Repeal without replacement).

B4. Replace with a one-cell aggravating factor

Assumptions:

1. This option will reduce the bed impact of eliminating the CSP, which is estimated to be 536 beds.
2. Since it will be an aggravating factor, it will be subject to the requirement for jury determination of the aggravating factor.
3. The number of cases in which the aggravating factor will be found to apply is not known. It is assumed to that the aggravating factor will be used in no more than 25 percent of the cases with a CSP. It is therefore assumed that this option will limit the anticipated impact of CSP elimination (B1. Repeal without replacement) to 75 percent.

Based on these assumptions, this proposal is estimated to result in an eventual reduction in the need for 402 prison beds.

It is estimated that the demographic profile of the people affected will be similar to that of those affected by the elimination of the CSP (B1. Repeal without replacement).

Appendix

Appendix 1. Current State Demographics

Table 15 displays current demographic information pertaining to three populations within the state: the felony population (that is, the population of offenders sentenced for felony offenses in 2019); the adult prison population (as of July 1, 2019); and the adult population (on July 1, 2019, as estimated by the U.S. Census Bureau). Table 15 breaks down those populations by the following demographic categories: Gender; race and ethnicity; and judicial district.

Table 15. Minnesota's 2019 General Population, Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

	General Population			Felony Population			Prison Population	
	U.S. Census Category	2019 Estimated Adult Population		MSGC Category	Offenders Sentenced in 2019		2019 Adult Inmate Population	
		Number	Percent		Number	Percent	Number	Percent
	Male	2,144,041	49.4%	Male	13,937	80.4%	8,941	93.07%
	Female	2,192,434	50.6%	Female	3,398	19.6%	666	6.93%
Race & Ethnicity	White*	3,629,537	83.7%	White	9,853	56.8%	4,427	46.1%
	Black or African American*	278,909	6.4%	Black	4,580	26.4%	3,534	36.8%
	American Indian*	66,414	1.5%	American Indian	1,492	8.6%	843	8.77%
	Hispanic**	197,548	4.6%	Hispanic**	903	5.2%	525	5.5%
	Asian*	228,242	5.3%	Asian	499	2.9%	270	2.8%
	Native Hawaiian/ Other Pacific Islander*	4,975	0.1%	Other/ Unknown***	8	0.0%	8	8.6%
Judicial District	First	608,254	14.0%	First	2,213	12.8%	825	11.4%
	Second	422,368	9.7%	Second	1,902	11.0%	1,096	6.95%
	Third	372,086	8.6%	Third	1,254	7.2%	668	27.54%
	Fourth	989,707	22.8%	Fourth	3,551	20.5%	2,646	5.0%
	Fifth	221,404	5.1%	Fifth	1,064	6.1%	479	5.5%
	Sixth	202,578	4.7%	Sixth	732	4.2%	524	11.2%
	Seventh	379,092	8.7%	Seventh	1,810	10.4%	1,075	3.07%
	Eighth	122,619	2.8%	Eighth	522	3.0%	295	9.8%
	Ninth	264,123	6.1%	Ninth	1,620	9.3%	941	9.93%
	Tenth	754,244	17.4%	Tenth	2,667	15.4%	954	93.07%
	Total	4,336,475	100.0%	Total	17,335	100.0%	9,607	100.0%

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*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 (101.6%) because residents of more than one race are counted in more than one category. **This table lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Source of July 1, 2019, Adult Inmate Population: Minn. Department of Corrections. Judicial district populations exclude 107 inmates whose governing sentences were for offenses committed in non-Minnesota jurisdictions.

Staff Information Paper - Presented 10/7/2021

Estimated Impact of October Custody Status Proposals

Contents

Assumptions Common to all Proposals.....	1
A1. Apply custody status only to high criminal history scores.....	4
A2. Display half points on grids.....	7
A3. Establish quarter points.....	9
B1. Repeal without replacement	13
B2. Replace with a 10-percent mandatory enhancement.....	15
B3. Replace with a one-cell discretionary enhancement.....	18
B4. Replace with a one-cell aggravating factor.....	18
Appendix	19

Assumptions Common to all Proposals

Impact estimates are based on 2019 MSGC monitoring data. It is assumed that future cases will be similar in terms of offenses, offense severity, offense distribution, criminal history scores (CHS) (except as discussed on the following page), departure rates, and demographic characteristics to those sentenced in 2019. There were 17,335 cases sentenced in 2019:

- 9,015 (52%) did not have a Custody Status Point (CSP)
- 8,316 (48%) had a CSP
 - 183 (1%) had a CSP of 0.5
 - 8,121 (47%) had a CSP of 1.0
 - 16 (0.1%) had a CSP of 2.0.
- Of the 8,316 cases with a CSP, 2,568 received a prison sentence; 58 of them (2.3%) received a consecutive sentence. Because it was problematical to determine how consecutive sentences would change under these proposals, these cases were not included in the impact estimates.

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

The August 1, 2019, changes to calculation of the CSP have had and will continue to have an impact on the contribution of the CSP in the future. The following CSP changes were made effective August 1, 2019, and were therefore not applicable to most of the cases sentenced in the baseline year (2019):¹

- No CSP for Minn. Stat. § 152.18 stays of adjudication
- No CSP for merely being within the original probation term, even if not on probation
- One-half CSP for misdemeanors, gross misdemeanors and Severity Level 1 or 2 offenses

Staff attempted to adjust the 2019 baseline to account for the impact of these 2019 changes. To that end, staff randomly sampled 25 percent (2,038) of the cases with a CSP in 2019. The worksheets for the sample cases were examined to determine the source of the custody status. Staff found the following:

- 167 (8%) would have CSP of 0 (due to the stay-of-adjudication and original-probation-term policies)
- 920 (45%) would have a CSP of 0.5 (due to the half-point policy)
- 952 (47%) would continue to have a CSP of 1

To adjust the 2019 baseline, staff recalculated the CHS for these offenders by adding up all the components and then rounding the total down (the “EWS method”). While staff recognizes that the Commission has not resolved the question of how half points are to be counted in CHS (see MSGC staff information paper, “[A Brief Chronology of the Half Custody Status Point](#),” Sept. 2, 2021 (Sept. 9, 2021, MSGC meeting materials)), staff was concerned that employing either alternative method of counting half points—to count half points as worth nothing in CHS, or to count half points as worth a whole point in CHS—would either understate or overstate the impact of 2018 Commission’s decision to adopt the half-point policy. Staff therefore selected the EWS method as the middle-ground method of adjusting the 2019 baseline.

It is estimated that these adjustments would result in a bed savings of 35.3 beds for the cases in the 25-percent sample. Multiplying this number by four results in an estimated 141-bed reduction for the whole 2019 population. These beds come from two sources: 66 beds from people no longer receiving a prison sentence and 75 beds from shorter sentences. This adjusted baseline was used for calculating the impact of each of the various proposals—except for A1, the only proposal to retain the pre-2019 whole-point policy.²

It is estimated that the demographic characteristics of the people who would be shifted out of prison beds as a result of the 2019 baseline adjustment are as follows.

- **Gender:** Male (79.7%); Female (20.3%).
- **Race & Ethnicity:** White (60.9%); Black (23.2%); American Indian (5.8%); Hispanic (7.2%); Asian (2.9%).
- **Judicial District:** First (8.7%); Second (4.3%); Third (13.0%); Fourth (21.7%); Fifth (5.8%); Sixth (1.4%); Seventh (8.7%); Eighth (5.8%); Ninth (11.6%); and Tenth (18.8%).

Table 1 shows the demographic change resulting from this 2019 baseline prison population adjustment.

¹ The holding of *State v. Robinette*, ____ N.W.2d ____ (Minn. Aug. 25, 2021), was not known to have been in effect in 2019.

² But see footnote 3 (p. 4).

Table 1. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, 2019 Baseline Adjustment

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
		2019 Adult Inmate Population		Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.		
MSGC Category		Number	Percent								Rate per 100,000†	Beds
		Male	8,941	93.07%	417	-148.6	79.7%	8,792	93.33%	+0.3%	393	-1.7%
		Female	666	6.93%	30	-37.8	20.3%	628	6.67%	-0.3%	27	-5.7%
Race & Ethnicity	White	4,427	46.1%	122	-113.5	60.9%	4,313	45.8%	-0.3%	114	-2.6%	
	Black	3,534	36.8%	1,267	-43.2	23.2%	3,491	37.1%	+0.3%	1,198	-1.2%	
	American Indian	843	8.77%	1,269	-10.8	5.8%	832	8.83%	+0.1%	1,172	-1.3%	
	Hispanic	525	5.46%	266	-13.4	7.2%	512	5.43%		243	-2.6%	
	Asian	270	2.8%	118	-5.4	2.9%	265	2.8%		111	-2.0%	
Judicial District	First	825	8.6%	136	-16.2	8.7%	809	8.6%		127	-2.0%	
	Second	1,096	11.4%	259	-8.0	4.3%	1,088	11.5%	+0.1%	246	-0.7%	
	Third	668	6.95%	180	-24.2	13.0%	644	6.83%	-0.1%	166	-3.6%	
	Fourth	2,646	27.54%	267	-40.4	21.7%	2,606	27.66%	+0.1%	254	-1.5%	
	Fifth	479	5.0%	216	-10.8	5.8%	468	5.0%		201	-2.3%	
	Sixth	524	5.45%	259	-2.6	1.4%	521	5.53%	+0.1%	247	-0.5%	
	Seventh	1,075	11.2%	284	-16.2	8.7%	1,059	11.2%		268	-1.5%	
	Eighth	295	3.1%	241	-10.8	5.8%	284	3.0%	-0.1%	220	-3.7%	
	Ninth	941	9.8%	356	-21.6	11.6%	919	9.8%		333	-2.3%	
	Tenth	954	9.93%	126	-35.0	18.8%	919	9.75%	-0.2%	117	-3.7%	
Total		9,607	100.0%	220	-186.4	100.0%	9,421	100.0%		208	-1.9%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

A1. Apply custody status only to high criminal history scores

Assumptions:

1. For cases on the Standard and Drug Grids: All eligible cases would receive one CSP; no half points. This will result in the possibility of some presumptive dispositions shifting from probation to prison.
2. For all Grids: Three-month CSP enhancement add-ons to cases with presumptive durations with CHS greater than 6 or more who were under custody supervision would continue to apply; continue to allow CSP for prior misdemeanor and gross misdemeanor offenses.
3. For offenses on the Sex Offender Grid: the 2018 policy is applied so those offenses were eliminated from the impact estimate.

It is estimated that these changes would result in a bed savings of 55.3 beds in the 25-percent sample cases. Multiplying this number by four results in an estimated 221-bed reduction for the whole population: 92 from people no longer receiving a prison sentence and 129 from shorter sentences.³

Table 2. Prison Bed Impact by Offense Type and Type of Change, Proposal A1

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Total Bed Reduction
Person (Total)	-30.16	-85.32	-115.48
Murder/Manslaughter	0	-48.24	-48.24
Assault	-3.36	-12.72	-16.08
Criminal Sexual Conduct	0	0	0
Robbery	-13.84	-10.72	-24.56
Threats of Violence/Stalking	-12.96	-4.68	-17.64
Other Person	0	-6.72	-6.72
Property (Total)	-9.84	-9.6	-19.44
Theft	0	-3.8	-3.8
Burglary	-9.84	-5.6	-15.4
Other Property	0	-2.44	-2.44
Drug	-31.92	-23.4	-55.36
Felony DWI	-19.64	-4.92	-24.56
Non-CSC Sex Offense*	0	-4	-4
Weapon	0	0	0

³ Unlike the other proposals, this estimate uses, as its baseline, the unadjusted sentences imposed in 2019 (see text accompanying footnote 2, above). Upon reflection, staff considers this to have been an error; the baseline should have been adjusted in the same way that it was adjusted for the other proposals (see p. 2). If this had been done, the bed savings for proposal A1 would have been 42 beds, rather than 221 beds.

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Total Bed Reduction
Other**	0	-2.2	-2.2
Total	-91.56	-129.44	-221.04

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 3. Estimated Change in Prison Beds by Fiscal Year, Proposal A1

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	-33	2029	-167	2036	-207	2043	-221
2023	-81	2030	-171	2037	-214	2044	-221
2024	-100	2031	-185	2038	-217	2045	-221
2025	-124	2032	-190	2039	-217	2046	-221
2026	-141	2033	-194	2040	-217	2047	-221
2027	-150	2034	-198	2041	-221	2048	-221
2028	-158	2035	-202	2042	-221	2049	-221

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (-49.6%); Female (-5.7%).
- **Race & Ethnicity:** White (-25.5%); Black (-12.6%); American Indian (-10.6%); Hispanic (-3.7%); Asian (-2.9%).
- **Judicial District:** First (-3.2%); Second (-6.1%); Third (-2.7%); Fourth (-7.8%); Fifth (-4.4%); Sixth (-3.7%); Seventh (-6.0%); Eighth (-7.8%); Ninth (-9.7%); and Tenth (-3.9%).

Table 4 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 4. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A1

Prison Population					Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
	Number	Percent	Rate per 100,000†								Beds
Race & Ethnicity	Male	8,941	93.07%	417	+92.4	-49.6%	9,033	95.89%	+2.8%	403	+1.0%
	Female	666	6.93%	30	+10.6	-5.7%	677	7.18%	+0.2%	30	+1.6%
	White	4,427	46.1%	122	+47.6	-25.5%	4,475	47.5%	+1.4%	118	+1.1%
	Black	3,534	36.8%	1,267	+23.4	-12.6%	3,557	37.8%	+1.0%	1,221	+0.7%
	American Indian	843	8.8%	1,269	+19.8	-10.6%	863	9.2%	+0.4%	1,215	+2.3%
	Hispanic	525	5.46%	266	+7.0	-3.7%	532	5.65%	+0.2%	253	+1.3%
	Asian	270	2.8%	118	+5.3	-2.9%	275	2.9%	+0.1%	115	+2.0%
	First	825	8.6%	136	+6.0	-3.2%	831	8.8%	+0.2%	131	+0.7%
	Second	1,096	11.41%	259	+11.4	-6.1%	1,107	11.76%	+0.3%	251	+1.0%
	Third	668	6.95%	180	+5.1	-2.7%	673	7.14%	+0.2%	173	+0.8%
Judicial District	Fourth	2,646	27.54%	267	+14.6	-7.8%	2,661	28.24%	+0.7%	259	+0.6%
	Fifth	479	4.99%	216	+8.1	-4.4%	487	5.17%	+0.2%	209	+1.7%
	Sixth	524	5.45%	259	+6.9	-3.7%	531	5.64%	+0.2%	251	+1.3%
	Seventh	1,075	11.2%	284	+11.1	-6.0%	1,086	11.5%	+0.3%	274	+1.0%
	Eighth	295	3.1%	241	+14.4	-7.8%	309	3.3%	+0.2%	240	+4.9%
	Ninth	941	9.79%	356	+18.1	-9.7%	959	10.18%	+0.4%	347	+1.9%
	Tenth	954	9.93%	126	+7.2	-3.9%	961	10.20%	+0.3%	122	+0.8%
	Total	9,607	100.0%	220	-186.4		9,421	100.0%		208	-1.9%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

A2. Display half points on grids

Assumptions:

Proposal A2 leaves the 2019 custody-status modifications unchanged but alters the sentencing grids to establish presumptive sentences for criminal history scores that contain partial points. Between each pair of neighboring columns on the existing sentencing grids, a new column is added for criminal history scores ending in “½.” Each new cell’s presumptive duration is the average (rounded down) of the presumptive durations of its neighboring whole-point cells. Its presumptive disposition is that of its neighboring cell to the left. Presumptive ranges are calculated consistent with current methodology.

Under this plan, some sentences would be longer, while some would be reduced. It is estimated that these changes would result in a bed savings of 10.9 beds for the cases in the sample. Multiplying this number by four results in an estimated 44-bed reduction for the whole population.

Table 5. Estimated Change in Prison Beds by Fiscal Year, Proposal A2

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	0	2029	-22	2036	-30	2043	-33
2023	-7	2030	-24	2037	-28	2044	-37
2024	-8	2031	-29	2038	-28	2045	-41
2025	-7	2032	-31	2039	-29	2046	-44
2026	-9	2033	-31	2040	-33	2047	-44
2027	-15	2034	-31	2041	-33	2048	-44
2028	-18	2035	-31	2042	-33	2049	-44

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (84.6%); Female (15.4%).
- **Race/Ethnicity:** White (64.1%); Black (17.9%); American Indian (9%); Hispanic (6.4%); Asian (2.6%).
- **Judicial District:** First (9%); Second (3.8%); Third (9%); Fourth (14.1%); Fifth (7.7%); Sixth (3.8%); Seventh (20.5%); Eighth (2.6%); Ninth (17.9%); and Tenth (11.5%).

Table 6 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 6. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A2

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
MSGC Category		2019 Adult Inmate Population		Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.		
		Number	Percent								Rate per 100,000†	
		Beds	Percent									
		Male	8,941	93.07%	417	-157.7	84.6%	8,783	93.24%	+0.2%	392	-1.8%
		Female	666	6.93%	30	-28.7	15.4%	637	6.76%	-0.2%	28	-4.3%
Race & Ethnicity	White	4,427	46.1%	122	-119.5	64.1%	4,308	45.7%	-0.4%	114	-2.7%	
	Black	3,534	36.8%	1,267	-33.4	17.9%	3,501	37.2%	+0.4%	1,202	-0.9%	
	American Indian	843	8.8%	1,269	-16.8	9.0%	826	8.8%		1,163	-2.0%	
	Hispanic	525	5.46%	266	-11.9	6.4%	513	5.45%		244	-2.3%	
	Asian	270	2.8%	118	-4.8	2.6%	265	2.8%		111	-1.8%	
Judicial District	First	825	8.6%	136	-16.8	9.0%	808	8.6%		127	-2.0%	
	Second	1,096	11.4%	259	-7.1	3.8%	1,089	11.6%	+0.2%	247	-0.6%	
	Third	668	6.95%	180	-16.8	9.0%	651	6.91%		167	-2.5%	
	Fourth	2,646	27.5%	267	-26.3	14.1%	2,620	27.8%	+0.3%	255	-1.0%	
	Fifth	479	5.0%	216	-14.4	7.7%	465	4.9%	-0.1%	199	-3.0%	
	Sixth	524	5.5%	259	-7.1	3.8%	517	5.5%		245	-1.4%	
	Seventh	1,075	11.2%	284	-38.2	20.5%	1,037	11.0%	-0.2%	262	-3.6%	
	Eighth	295	3.1%	241	-4.8	2.6%	290	3.1%		225	-1.6%	
	Ninth	941	9.8%	356	-33.4	17.9%	908	9.6%	-0.2%	329	-3.5%	
	Tenth	954	9.9%	126	-21.4	11.5%	933	9.9%		118	-2.2%	
	Total	9,607	100.0%	220	-186.4		9,421	100.0%		208	-1.9%	

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

A3. Establish quarter points

Assumptions:

Retain assignment of **two** custody status points if both the current offense and the custody offense are sex offenses ranked at H or greater. Otherwise, assign **one** custody status point if the custody offense is ranked at 4/H/D4 or greater and both the custody offense and the current offense are person crimes (defined, for these purposes, as felonies listed in section 6). Otherwise, assign **one-half** custody status point when—

- The custody offense is ranked at 4/H/D4 or greater (applicable when either the custody offense or the current offense is not a person crime); or
- Both the current offense and the custody offense are person crimes (defined, for these purposes, as felonies listed in section 6, even if sentenced within misdemeanor or gross misdemeanor limits; targeted misdemeanors; or gross misdemeanors listed in Minn. Stat. § [169A.03, subd. 20](#); [243.167, subd. 1](#); or [609.02, subd. 16](#)).

Otherwise, assign **one-quarter** custody status point (applicable to lesser custody offenses when either the custody offense or the current offense is not a person crime). The matrix below illustrates this criminal-history weighting scheme for custody status:

		CUSTODY OFFENSE				
		H+	4/H/D4 or greater		Below 4/H/D4	
			Person crime	Not a person crime	Person crime	Not a person crime
CURRENT OFFENSE	H+	2				
	Person crime		1	½	½	¼
	Not a person crime		½	½	¼	¼

Retain all other custody status policies, including waiver and the three-month enhancement for excessive criminal history. To give meaning to one-quarter custody status point, eliminate misdemeanor units: where current policy assigns one unit (or two units), instead assign one-quarter point (or one-half point). Round down the sum of all criminal history—including partial misdemeanor and custody-status points—rather than the sum of felony points.

It is estimated that these changes would result in a bed savings of 13.3 beds for the cases in the sample. Multiplying this number by four results in an estimated 53-bed reduction for the whole population. This option results in changes to presumptive dispositions and both longer and shorter sentences. The source of the beds is: -23 beds from cases shifting from prison to probation, +68 beds from cases shifting from probation to prison, +52 beds from cases with longer sentences, and -44 beds from cases with shorter sentences.

Table 7. Prison Bed Impact by Offense Type and Type of Change, Proposal A3

Offense Type and Offense	Number of Beds Due to Shift to No Prison	Number of Beds Due to Serving Less Time	Number of Beds Due to Shift to Prison	Number of Beds Due to Serving More Time	Total Bed Change
Person (Total)	0	-13.64	63.64	29.92	79.96
Murder/Manslaughter	0	-10.48	0	4.48	-6.04
Assault	0	-0.68	10.72	7.36	17.44
Criminal Sexual Conduct	0	0	0	2.68	2.68
Robbery	0	0	7.36	5.6	12.96
Threats of Violence/Stalking	0	-1.36	45.56	8.04	52.28
Other Person	0	0	0	0	0
Property (Total)	-4.24	-2.44	0	8.28	1.56
Theft	-4.24	-1.36	0	1.56	-4.04
Burglary	0	0	0	2.68	2.68
Other Property	0	-1.12	0	5.8	4.68
Drug	-19	-17.2	4.24	7.8	-24.12
Felony DWI	0	-2.24	0	3.36	1.12
Non-CSC Sex Offense*	0	-7.16	0	2.68	-4.48
Weapon	0	0	0	0	0
Other**	0	-1.12	0	0.2	-0.88
Total	-23.24	-43.76	67.88	52.24	53.16

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 8. Estimated Change in Prison Beds by Fiscal Year, Proposal A3

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	19	2029	52	2036	57	2043	61
2023	43	2030	53	2037	57	2044	60
2024	48	2031	57	2038	57	2045	56
2025	45	2032	57	2039	57	2046	53
2026	45	2033	57	2040	57	2047	53
2027	47	2034	57	2041	61	2048	53
2028	49	2035	57	2042	61	2049	53

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (12.5%); Female (0.8%).
- **Race/Ethnicity:** White (-1.8%); Black (13.3%); American Indian (1.8%); Hispanic (0.5%); Asian (- 0.5%).
- **Judicial District:** First (0.3%); Second (4.2%); Third (3.6%); Fourth (10.4%); Fifth (-0.8%); Sixth (- 0.8%); Seventh (-3.4%); Eighth (1.3%); Ninth (-4.5%); and Tenth (2.9%).

Table 9 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 9. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal A3

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
	MSGC Category	2019 Adult Inmate Population					Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.
		Number	Percent	Rate per 100,000†							
					Beds	Percent					
Race & Ethnicity	Male	8,941	93.07%	417	-23.3	12.5%	8,918	94.66%	+1.6%	398	-0.3%
	Female	666	6.93%	30	-1.5	0.8%	665	7.05%	+0.1%	29	-0.2%
	White	4,427	46.08%	122	+3.3	-1.8%	4,430	47.03%	+0.9%	117	+0.1%
	Black	3,534	36.8%	1,267	-24.8	13.3%	3,509	37.3%	+0.5%	1,205	-0.7%
	American Indian	843	8.8%	1,269	-3.3	1.8%	840	8.9%	+0.1%	1,182	-0.4%
	Hispanic	525	5.5%	266	-0.8	0.5%	524	5.6%	+0.1%	249	-0.2%
	Asian	270	2.8%	118	+0.8	-0.5%	271	2.9%	+0.1%	113	+0.3%
Judicial District	First	825	8.6%	136	-0.6	0.3%	824	8.8%	+0.2%	130	-0.1%
	Second	1,096	11.41%	259	-7.8	4.2%	1,088	11.55%	+0.1%	246	-0.7%
	Third	668	6.95%	180	-6.8	3.6%	661	7.02%	+0.1%	170	-1.0%
	Fourth	2,646	27.54%	267	-19.5	10.4%	2,627	27.88%	+0.3%	256	-0.7%
	Fifth	479	4.99%	216	+1.6	-0.8%	481	5.10%	+0.1%	206	+0.3%
	Sixth	524	5.5%	259	+1.6	-0.8%	526	5.6%	+0.1%	249	+0.3%
	Seventh	1,075	11.2%	284	+6.2	-3.4%	1,081	11.5%	+0.3%	273	+0.6%
	Eighth	295	3.1%	241	-2.4	1.3%	293	3.1%		227	-0.8%
	Ninth	941	9.8%	356	+8.3	-4.5%	949	10.1%	+0.3%	344	+0.9%
	Tenth	954	9.93%	126	-5.4	2.9%	949	10.07%	+0.1%	121	-0.6%
	Total	9,607	100.0%	220	-186.4		9,421	100.0%		208	-1.9%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

B1. Repeal without replacement

Assumptions:

1. No three-month CSP enhancement add-ons to presumptive durations with CSP and a CHS greater than 6.
2. No CSP on the Sex Offender Grid – some cases will lose two points.

It is estimated that these changes would result in a bed savings of 134 beds for the cases in the sample. Multiplying this number by four results in an estimated 536-bed reduction for the whole population: 327 from cases moving from prison to probation and 209 beds from shorter sentences.

Table 10. Estimated Change in Prison Beds by Fiscal Year, Proposal B1

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022		2029		2036		2043	
2023		2030		2037		2044	
2024		2031		2038		2045	
2025		2032		2039		2046	
2026		2033		2040		2047	
2027		2034		2041		2048	
2028		2035		2042		2049	

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- **Gender:** Male (90.3%); Female (9.7%).
- **Race/Ethnicity:** White (54.9%); Black (24.9%); American Indian (11.8%); Hispanic (6.8%); Asian (1.7%).
- **Judicial District:** First (11.4%); Second (8.4%); Third (8.4%); Fourth (14.8%); Fifth (5.5%); Sixth (3.4%); Seventh (14.8%); Eighth (3.8%); Ninth (13.5%); and Tenth (16%).

Table 11 shows the demographic change in the prison population that would result from this proposal, if the assumptions stated above are accurate.

Table 11. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal B1

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
MSGC Category	2019 Adult Inmate Population			Number			Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.	
	Number	Percent	Rate per 100,000†								
	Male	8,941	93.07%	417	−168.3	90.3%	8,773	93.12%	+0.1%	392	−1.9%
	Female	666	6.93%	30	−18.1	9.7%	648	6.88%	−0.1%	28	−2.7%
Race & Ethnicity	White	4,427	46.1%	122	−102.3	54.9%	4,325	45.9%	−0.2%	114	−2.3%
	Black	3,534	36.8%	1,267	−46.4	24.9%	3,488	37.0%	+0.2%	1,197	−1.3%
	American Indian	843	8.8%	1,269	−22.0	11.8%	821	8.7%	−0.1%	1,156	−2.6%
	Hispanic	525	5.46%	266	−12.7	6.8%	512	5.44%		244	−2.4%
	Asian	270	2.8%	118	−3.2	1.7%	267	2.8%		112	−1.2%
Judicial District	First	825	8.59%	136	−21.2	11.4%	804	8.53%	−0.1%	126	−2.6%
	Second	1,096	11.4%	259	−15.7	8.4%	1,080	11.5%	+0.1%	245	−1.4%
	Third	668	6.95%	180	−15.7	8.4%	652	6.92%		168	−2.3%
	Fourth	2,646	27.5%	267	−27.6	14.8%	2,618	27.8%	+0.3%	255	−1.0%
	Fifth	479	5.0%	216	−10.3	5.5%	469	5.0%		201	−2.1%
	Sixth	524	5.5%	259	−6.3	3.4%	518	5.5%		245	−1.2%
	Seventh	1,075	11.2%	284	−27.6	14.8%	1,047	11.1%	−0.1%	265	−2.6%
	Eighth	295	3.1%	241	−7.1	3.8%	288	3.1%		223	−2.4%
	Ninth	941	9.8%	356	−25.2	13.5%	916	9.7%	−0.1%	332	−2.7%
	Tenth	954	9.9%	126	−29.8	16.0%	924	9.8%	−0.1%	117	−3.1%
	Total	9,607	100.0%	220	−186.4	100.0%	9,421	100.0%		208	−1.9%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

B2. Replace with a 10-percent mandatory enhancement

Assumptions:

1. Cases currently with a CSP get no CSP; instead, they get a 10-percent durational enhancement rounded down to the nearest whole number unless their custody status is derived from a prior Misdemeanor/GM point, in which case there is no durational enhancement. If both the current offense and the prior offense are on the sex grid, add a 15-percent enhancement (16 cases in 2019 dataset).
2. For cases with durational departures, it is assumed that the total duration will be 10 percent greater than the sentence that was received.
3. Applicable stayed sentences would receive the 10-percent enhancement which would be applied if the case was revoked. If the case received a stay of imposition, the enhanced duration does not apply. The impact of revocations was not estimated.
4. The total sentence including the custody enhancement would not exceed the statutory maximum. Therefore, cases that received a statutory maximum would not also receive a 10-percent custody enhancement. This would affect 9 cases in the 2019 sample.
5. The enhancement would result in some offenders receiving longer sentences.

It is estimated that these changes would result in a reduction of 49.5 beds for the cases in the sample. Multiplying this number by four results in an estimated 198-bed reduction for the whole population: 246 additional beds would result from people receiving longer prison sentences, and 444 beds would be saved from people receiving shorter sentences.

Table 12. Prison Bed Impact by Offense Type and Type of Change, Proposal B2

Offense Type and Offense	Number of Beds Saved Due to Serving Less Time	Number of Beds Needed Due to Serving More Time	Total Bed Change
Person (Total)	-204.28	58.84	-145.44
Murder/Manslaughter	-34.16	4.48	-29.72
Assault	-77.08	17.84	-59.2
Criminal Sexual Conduct	-6.04	6.72	0.68
Robbery	-16.52	10.72	-5.8
Threats of Violence/Stalking	-70.24	12.36	-57.88
Other Person	-0.24	6.72	6.48
Property (Total)	-103.2	41.76	-61.44
Theft	-63.24	9.8	-53.44
Burglary	-17.64	22.12	4.48
Other Property	-22.32	9.84	-12.48

Offense Type and Offense	Number of Beds Saved Due to Serving Less Time	Number of Beds Needed Due to Serving More Time	Total Bed Change
Drug	-80.64	68.72	-11.88
Felony DWI	-21	14.52	-6.48
Non-CSC Sex Offense*	-12.28	11.16	-1.12
Weapon	0	48.24	48.24
Other**	-22.56	2.72	-19.84
Total	-443.92	245.92	-198

* "Non-CSC sex offense" is an offense 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).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency

Table 13. Estimated Change in Prison Beds by Fiscal Year, Proposal B2

Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds	Year	Estimated Beds
2022	-137	2029	-178	2036	-191	2043	-198
2023	-209	2030	-184	2037	-195	2044	-198
2024	-218	2031	-184	2038	-198	2045	-198
2025	-184	2032	-177	2039	-198	2046	-198
2026	-186	2033	-179	2040	-198	2047	-198
2027	-183	2034	-183	2041	-198	2048	-198
2028	-173	2035	-187	2042	-198	2049	-198

If the assumptions are accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this proposal would be as follows.

- Gender: Male (92.2%); Female (7.8%).
- Race & Ethnicity: White (52.7%); Black (30.5%); American Indian (8%); Hispanic (6%); Asian (2.8%).
- Judicial District: First (11%); Second (9.6%); Third (7.2%); Fourth (23%); Fifth (6.4%); Sixth (3.8%); Seventh (11.8%); Eighth (3%); Ninth (9.4%); and Tenth (14.6%).

Table 14 shows the demographic change in the prison population that would result from the enactment of this proposal, if the assumptions stated above are accurate.

Table 14. Minnesota's Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District, Proposal B2

	Prison Population				Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
	MSGC Category	2019 Adult Inmate Population					Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.
		Number	Percent	Rate per 100,000†							
Male	8,941	93.1%	417	−171.9	92.2%	8,769	93.1%		391	−1.9%	
Female	666	6.9%	30	−14.5	7.8%	651	6.9%		29	−2.2%	
Race & Ethnicity	White	4,427	46.1%	122	−98.2	52.7%	4,329	46.0%	−0.1%	114	−2.2%
	Black	3,534	36.8%	1,267	−56.9	30.5%	3,477	36.9%	+0.1%	1,194	−1.6%
	American Indian	843	8.8%	1,269	−14.9	8.0%	828	8.8%		1,166	−1.8%
	Hispanic	525	5.5%	266	−11.2	6.0%	514	5.5%		245	−2.1%
	Asian	270	2.8%	118	−5.2	2.8%	265	2.8%		111	−1.9%
Judicial District	First	825	8.59%	136	−20.5	11.0%	804	8.54%		126	−2.5%
	Second	1,096	11.4%	259	−17.9	9.6%	1,078	11.4%		244	−1.6%
	Third	668	6.95%	180	−13.4	7.2%	655	6.95%		168	−2.0%
	Fourth	2,646	27.5%	267	−42.9	23.0%	2,603	27.6%	+0.1%	254	−1.6%
	Fifth	479	5.0%	216	−11.9	6.4%	467	5.0%		200	−2.5%
	Sixth	524	5.5%	259	−7.1	3.8%	517	5.5%		245	−1.4%
	Seventh	1,075	11.2%	284	−22.0	11.8%	1,053	11.2%		266	−2.0%
	Eighth	295	3.1%	241	−5.6	3.0%	289	3.1%		225	−1.9%
	Ninth	941	9.8%	356	−17.5	9.4%	923	9.8%		334	−1.9%
	Tenth	954	9.9%	126	−27.2	14.6%	927	9.8%	−0.1%	118	−2.9%
	Total	9,607	100.0%	220	−186.4		9,421	100.0%		208	−1.9%

* This table's projections assume that future offenders' demographic characteristics will be similar to past offenders, as stated above. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown in Appendix 1, Table 15, "General Population" (2019 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

B3. Replace with a one-cell discretionary enhancement

Assumptions:

1. This option will reduce the bed impact of eliminating the CSP (B1. Repeal without replacement), which is estimated to be 536 beds.
2. Since it will be a discretionary enhancement rather than an aggravating factor, it will not be subject to the requirement for jury determination of the aggravating factor. Therefore, it is estimated that the enhancement will be used more frequently than the aggravating factor (B4. Replace with a one-cell aggravating factor).
3. The number of cases in which judges will find the enhancement should apply is not known. It is assumed that judges will find that the enhancement applies in 50 to 75 percent of the cases with a CSP. It is therefore assumed that this option will limit the anticipated impact of CSP elimination (B1. Repeal without replacement) to somewhere between 25 and 50 percent.

Based on these assumptions, this proposal is estimated to result in an eventual reduction in the need for between 134 and 268 prison beds.

It is estimated that the demographic profile of the people affected will be similar to that of those affected by the elimination of the CSP (B1. Repeal without replacement).

B4. Replace with a one-cell aggravating factor

Assumptions:

1. This option will reduce the bed impact of eliminating the CSP, which is estimated to be 536 beds.
2. Since it will be an aggravating factor, it will be subject to the requirement for jury determination of the aggravating factor.
3. The number of cases in which the aggravating factor will be found to apply is not known. It is assumed to that the aggravating factor will be used in no more than 25 percent of the cases with a CSP. It is therefore assumed that this option will limit the anticipated impact of CSP elimination (B1. Repeal without replacement) to 75 percent.

Based on these assumptions, this proposal is estimated to result in an eventual reduction in the need for 402 prison beds.

It is estimated that the demographic profile of the people affected will be similar to that of those affected by the elimination of the CSP (B1. Repeal without replacement).

Appendix

Appendix 1. Current State Demographics

Table 15 displays current demographic information pertaining to three populations within the state: the felony population (that is, the population of offenders sentenced for felony offenses in 2019); the adult prison population (as of July 1, 2019); and the adult population (on July 1, 2019, as estimated by the U.S. Census Bureau). Table 15 breaks down those populations by the following demographic categories: Gender; race and ethnicity; and judicial district.

Table 15. Minnesota's 2019 General Population, Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

	General Population			Felony Population			Prison Population	
	U.S. Census Category	2019 Estimated Adult Population		MSGC Category	Offenders Sentenced in 2019		2019 Adult Inmate Population	
		Number	Percent		Number	Percent	Number	Percent
	Male	2,144,041	49.4%	Male	13,937	80.4%	8,941	93.07%
	Female	2,192,434	50.6%	Female	3,398	19.6%	666	6.93%
Race & Ethnicity	White*	3,629,537	83.7%	White	9,853	56.8%	4,427	46.1%
	Black or African American*	278,909	6.4%	Black	4,580	26.4%	3,534	36.8%
	American Indian*	66,414	1.5%	American Indian	1,492	8.6%	843	8.77%
	Hispanic**	197,548	4.6%	Hispanic**	903	5.2%	525	5.5%
	Asian*	228,242	5.3%	Asian	499	2.9%	270	2.8%
	Native Hawaiian/ Other Pacific Islander*	4,975	0.1%	Other/ Unknown***	8	0.0%	8	8.6%
Judicial District	First	608,254	14.0%	First	2,213	12.8%	825	11.4%
	Second	422,368	9.7%	Second	1,902	11.0%	1,096	6.95%
	Third	372,086	8.6%	Third	1,254	7.2%	668	27.54%
	Fourth	989,707	22.8%	Fourth	3,551	20.5%	2,646	5.0%
	Fifth	221,404	5.1%	Fifth	1,064	6.1%	479	5.5%
	Sixth	202,578	4.7%	Sixth	732	4.2%	524	11.2%
	Seventh	379,092	8.7%	Seventh	1,810	10.4%	1,075	3.07%
	Eighth	122,619	2.8%	Eighth	522	3.0%	295	9.8%
	Ninth	264,123	6.1%	Ninth	1,620	9.3%	941	9.93%
	Tenth	754,244	17.4%	Tenth	2,667	15.4%	954	93.07%
	Total	4,336,475	100.0%	Total	17,335	100.0%	9,607	100.0%

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*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 (101.6%) because residents of more than one race are counted in more than one category. **This table lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Source of July 1, 2019, Adult Inmate Population: Minn. Department of Corrections. Judicial district populations exclude 107 inmates whose governing sentences were for offenses committed in non-Minnesota jurisdictions.