

## Staff Issue Paper

---

# Custody Status Offenders by Race and Grid Zone

September 27, 2021

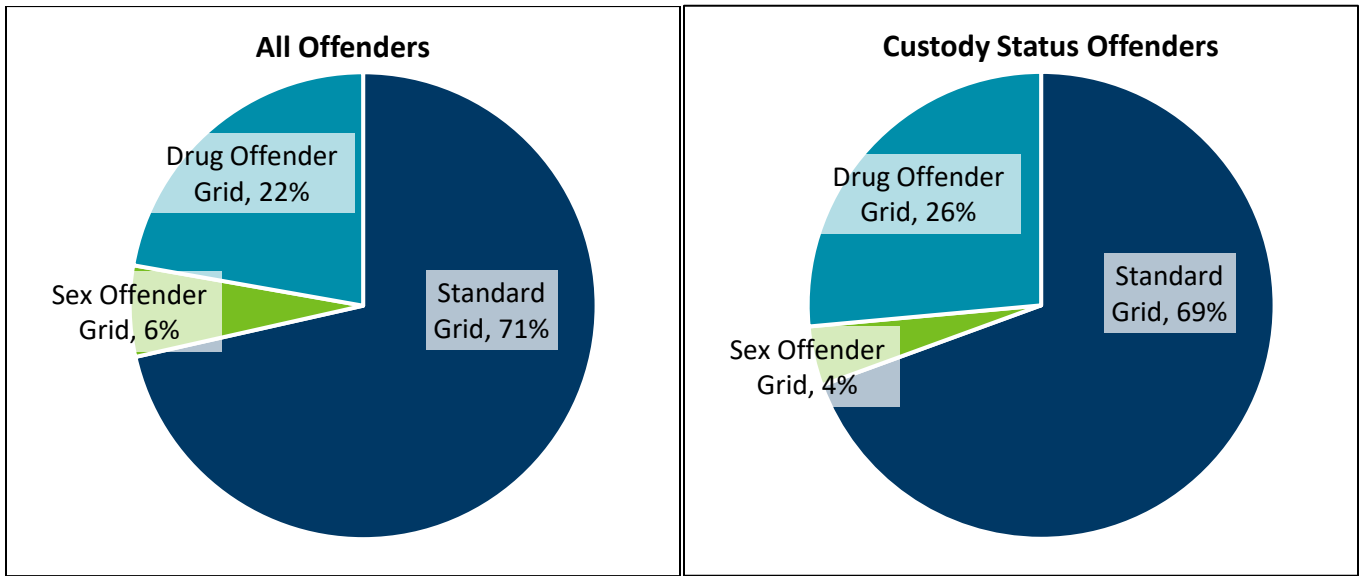
When examining the impact of custody status on presumptive and executed prison sentences, it may be helpful to examine Grid Zones. A grid zone indicates what sentencing element made the presumptive disposition a commit to prison. There are three zone types:

- 1. Based on Severity Level.** Those who are presumed to go to prison solely because of the severity of the offense. On the standard grid, this means that the offense's severity level was 8 or higher.
- 2. Based on History.** Those who are presumed to go to prison solely because of the person's criminal history; a first-time offender would not be looking at prison time. This includes information on the number of people in the criminal history zone who are there because they were pushed across the disposition line due to custody status.
- 3. Based on Mandatory Minimums.** The gray area of the grid are presumptive stayed sentences, but there are some in this area who are presumed to go to prison because of a mandatory minimum.

**Stayed Sentences.** Though not a zone, examining stayed sentences may help in understanding how the current custody status policy works in application. The last section of this document examines proportions of people in this group who received stayed sentences (stay of imposition or stay of execution) versus executed sentences.

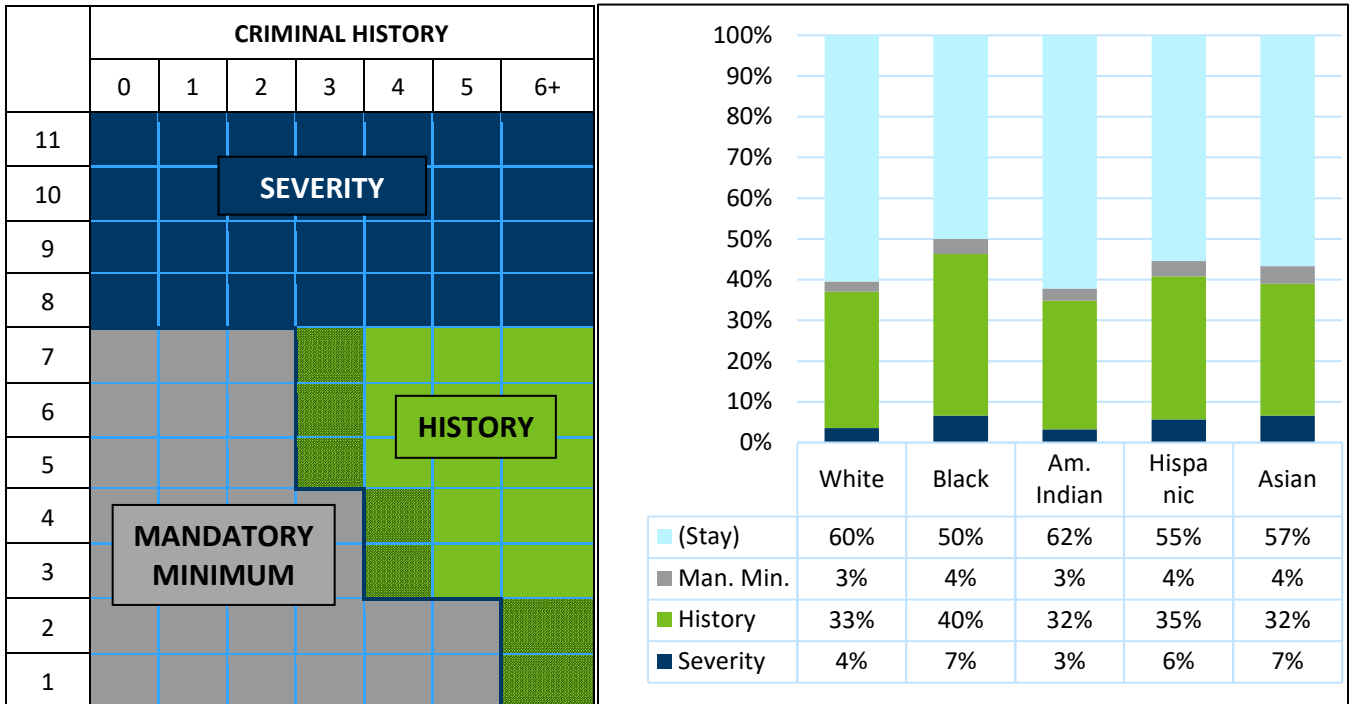
This staff paper examines the number of offenders who received a custody status weight, by race/ethnicity, for each zone on each grid. Guidelines years 2017-2019 are used in this analysis (offense dates from 8/1/2017-7/31/2019).

Figure 1. Percent of Felony Cases Sentenced by Grid Type, Guidelines Years 2017-2019



## Standard Grid

Figure 2. Standard Grid Zones by Race/Ethnicity, Custody Status Offenders, Guidelines Years 2017-2019



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.

Figure 2 shows the Standard Grid areas by race/ethnicity for custody status offenders. In this period, 57 percent of all custody status offenders had presumptive stayed sentences while 43 percent had presumptive prison sentences: 4.7 percent were in the severity zone; 35.2 percent were in the history zone; and 3.1 percent were in the mandatory minimum zone. 22.5 percent of offenders in the history zone had a presumptive prison disposition due to custody status. These cases are located in the patterned cells of the history zone in Figure 2.

Table 1 displays in detail the race/ethnicity makeup of custody status offenders for each zone on the Standard Grid. Green highlighted cells equal 100 percent for each race, while the yellow highlighted cells equal 100 percent of each zone. For example, 3.6 percent of white offenders were in the Severity Zone (green highlighted). White offenders made up 39.1 percent of all Severity Zone offenders.

*Table 1. Grid Zones on the Standard Grid by Race/Ethnicity, Custody Status Offenders, Guidelines Years 2017-2019*

<b>Grid Zone</b>	<b>White</b>	<b>Black</b>	<b>Am. Indian</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Other</b>	<b>Total</b>
Severity	315	353	57	46	34	1	806
	39.1%	43.8%	7.1%	5.7%	4.2%	0.1%	100.0%
	3.6%	6.6%	3.3%	5.7%	6.6%	6.7%	4.7%
History	2961	2130	550	283	167	2	6093
	48.6%	35.0%	9.0%	4.6%	2.7%	0.0%	100.0%
	33.4%	39.7%	31.6%	35.1%	32.4%	13.3%	35.2%
Mandatory Minimum	229	196	52	31	22	2	532
	43.0%	36.8%	9.8%	5.8%	4.1%	0.4%	100.0%
	2.6%	3.7%	3.0%	3.8%	4.3%	13.3%	3.1%
Stay	5350	2680	1083	447	292	10	9862
	54.2%	27.2%	11.0%	4.5%	3.0%	0.1%	100.0%
	60.4%	50.0%	62.2%	55.4%	56.7%	66.7%	57.0%
Total	8855	5359	1742	807	515	15	17293
	51.2%	31.0%	10.1%	4.7%	3.0%	0.1%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

## Sex Offender Grid

Figure 3. Sex Offender Grid Zones by Race/Ethnicity, Custody Status Offenders, Guidelines Years 2017-2019

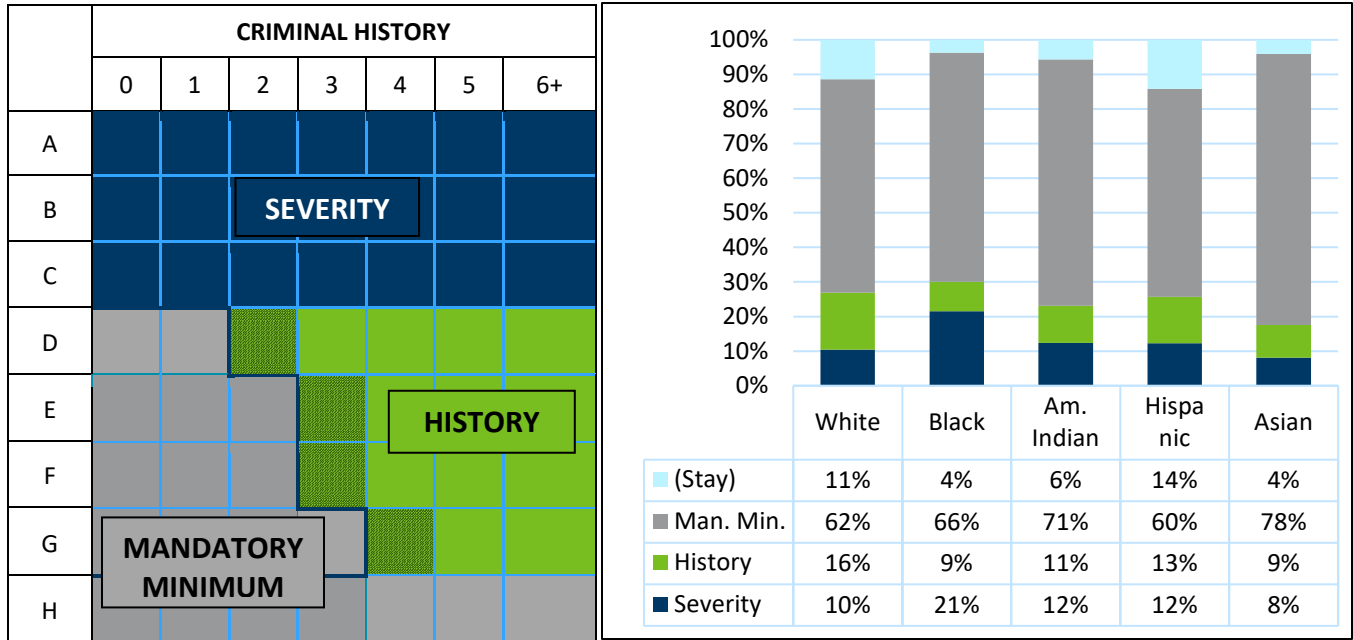


Figure 3 shows the Sex Offender Grid areas by race/ethnicity for custody status offenders. In this period, 8.5 percent of all custody status offenders had presumptive stayed sentences while 91.5 percent had presumptive prison sentences:<sup>1</sup> 13.5 percent were in the severity zone; 11.3 percent were in the history zone; and 66.7 percent were in the mandatory minimum zone.<sup>2</sup> 21.6 percent of offenders in the history zone had a presumptive prison disposition due to custody status. These cases are located in the patterned cells of the history zone in Figure 3.

Table 2 displays in detail the race/ethnicity makeup of custody status offenders for each zone on the Sex Offender Grid.

<sup>1</sup> Seventy-three percent of presumptive prison cases were for Failure to Register as a Predatory Offender.

<sup>2</sup> All the cases in the mandatory minimum zone were for Failure to Register as a Predatory Offender.

Table 2. Grid Zones on the Sex Offender Grid by Race/Ethnicity, Guidelines Years 2017-2019

Grid Zone	White	Black	Am. Indian	Hispanic	Asian	Other	Total
Severity	49	72	7	9	2	0	139
	35.3%	51.8%	5.0%	6.5%	1.4%	0.0%	100.0%
	9.7%	21.6%	8.3%	10.1%	14.3%	0.0%	13.5%
History	77	20	8	9	1	1	116
	66.4%	17.2%	6.9%	7.8%	0.9%	0.9%	100.0%
	15.3%	6.0%	9.5%	10.1%	7.1%	50.0%	11.3%
Mandatory Minimum	317	231	65	61	10	1	685
	46.3%	33.7%	9.5%	8.9%	1.5%	0.1%	100.0%
	62.9%	69.2%	77.4%	68.5%	71.4%	50.0%	66.7%
Stay	61	11	4	10	1	0	87
	70.1%	12.6%	4.6%	11.5%	1.1%	0.0%	100.0%
	12.1%	3.3%	4.8%	11.2%	7.1%	0.0%	8.5%
Total	504	334	84	89	14	2	1027
	49.1%	32.5%	8.2%	8.7%	1.4%	0.2%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

## Drug Offender Grid

Figure 4. Drug Offender Grid Zones by Race/Ethnicity, Custody Status Offenders, Guidelines Years 2017-2019

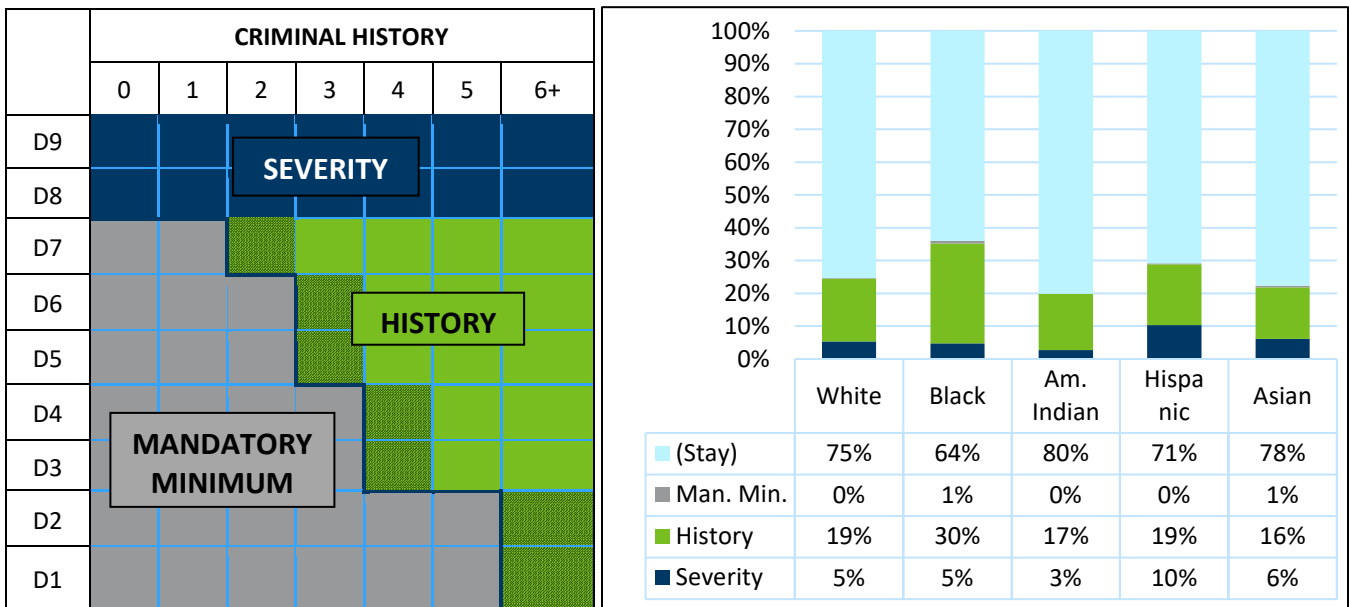


Figure 4 shows the Drug Offender Grid areas by race/ethnicity for custody status offenders. In this period, 74 percent of all custody status offenders had presumptive stayed sentences while 26 percent had presumptive prison sentences: 5.2 percent were in the severity zone; 20.5 percent were in the history zone; and 0.3 percent were in the mandatory minimum zone. 22.8 percent of offenders in the history zone had a presumptive prison disposition due to custody status. These cases are located in the patterned cells of the history zone in Figure 4.

Table 3 displays in detail the race/ethnicity makeup of custody status offenders for each zone on the Drug Offender Grid.

*Table 3. Grid Zones on the Drug Grid by Race/Ethnicity, Guidelines Years 2017-2019*

Grid Zone	White	Black	Am. Indian	Hispanic	Asian	Other	Total
Severity	236	48	19	29	11	0	343
	68.8%	14.0%	5.5%	8.5%	3.2%	0.0%	100.0%
	5.3%	4.7%	2.8%	10.3%	6.1%	0.0%	5.2%
History	846	308	118	52	28	0	1352
	62.6%	22.8%	8.7%	3.8%	2.1%	0.0%	100.0%
	19.1%	30.4%	17.1%	18.5%	15.6%	0.0%	20.5%
Mandatory Minimum	9	8	0	1	1	0	19
	47.4%	42.1%	0.0%	5.3%	5.3%	0.0%	100.0%
	0.2%	0.8%	0.0%	0.4%	0.6%	0.0%	0.3%
Stay	3333	648	553	199	139	1	4873
	68.4%	13.3%	11.3%	4.1%	2.9%	0.0%	100.0%
	75.3%	64.0%	80.1%	70.8%	77.7%	100.0%	74.0%
Total	4424	1012	690	281	179	1	6587
	67.2%	15.4%	10.5%	4.3%	2.7%	0.0%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

## Stayed & Executed Prison Sentences

The last section of this document examines proportions of people in this group who received a stayed sentence (stay of imposition or stay of execution) versus those that received an executed sentence. Custody status offenders received stays of execution more than any other pronounced disposition type (45%), followed by those that received prison (32%) and lastly, those that received a stay of imposition (23%) (Figure 5). Stays of execution account for over 66 percent of the pronounced stayed sentences. When the pronounced disposition type is examined by race/ethnicity, the percentage of white offenders decreases as the disposition type gets more severe, while the percentage of black offenders increases with the severity of the disposition type (Figure 6).

Figure 5. Pronounced Disposition Type for Custody Status Offenders, Guidelines Years 2017-2019

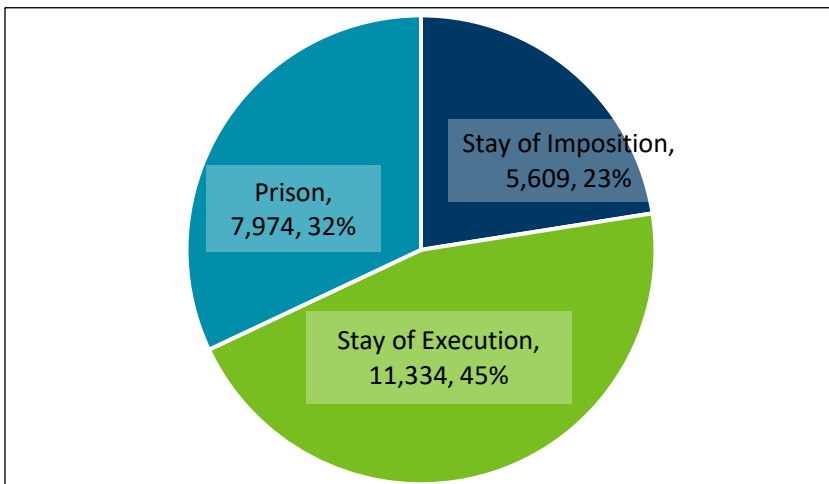
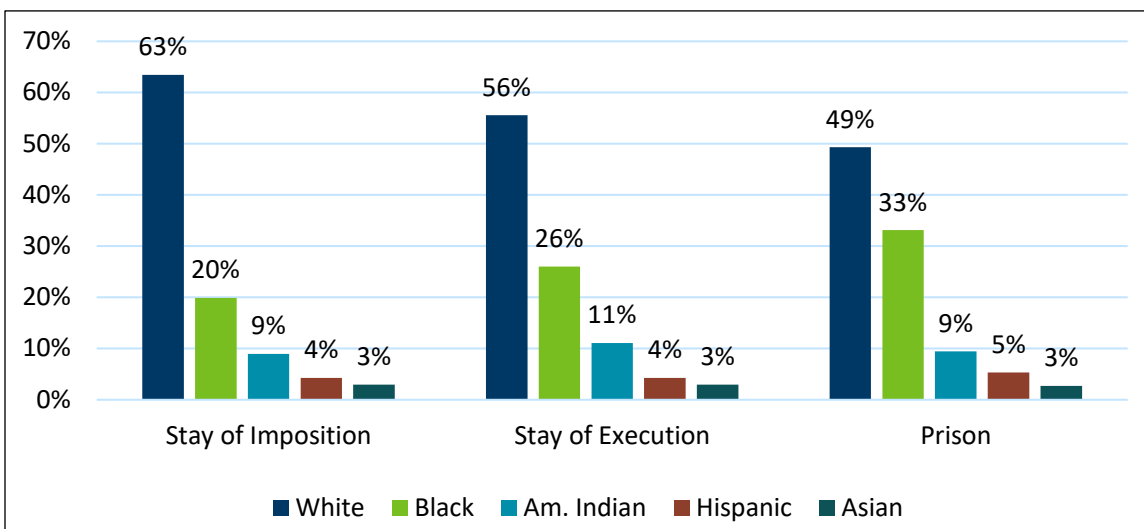


Figure 6. Pronounced Disposition Type by Race/Ethnicity, Custody Status Offenders, Guidelines Years 2017-2019



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.