Commitments Incapacitate But Have No Effect on Medium-Term Reoffense Rates for Low Severity Cases

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- **Data** 1,515 low-severity cases sentenced between 2017 and 2021, reoffense data available until December 31, 2023

- **Preliminary Results:**
  - Introduction of partial CSP increased rates of stayed sentences.
  - Commitments do indeed incapacitate, but increasing stayed sentences have no effect on medium-term reoffense rates.

Focus Cells: Standard Grid

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
Murder, 2nd Degree (intentional murder; drive-by-shootings)	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480[2]	426 363-480[2]
Murder, 3rd Degree Murder, 2nd Degree (unintentional murder)	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
Assault, 1st Degree	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
Agg. Robbery, 1st Degree Burglary, 1st Degree (w/ Weapon or Assault)	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
Felony DWI Financial Exploitation of a Vulnerable Adult	7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84[2,3]
Assault, 2nd Degree Burglary, 1st Degree (Occupied Dwelling)	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
Residential Burglary Simple Robbery	5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
Nonresidential Burglary	4	12[1]	15	18	21	24 21-28	27 23-32	30 26-36
Theft Crimes (Over $5,000)	3	12[1]	13	15	17	19 17-22	21 18-25	23 20-27
Theft Crimes ($5,000 or less) Check Forgery ($251-$2,500)	2	12[1]	12[1]	13	15	17	19	21 18-25
Assault, 4th Degree Fleeing a Peace Officer	1	12[1]	12[1]	12[1]	13	15	17	19 17-22

Change in Disposition

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Introduction of Partial CSP Points changes some CHS

- 8/1/2019: Partial Custody Status Points (CSP) are introduced for cases in which custody is due to low-severity offenses

Criminal History Scores							
Pre-Introduction				**Post-Introduction**			
	Felony Pts				**Felony Pts**		
CSP	**0**	**0.5**	**1**	**CSP**	**0**	**0.5**	**1**
1	1	1	2	1	1	1	2
				0.5	0	1	1
0	0	0	1	0	0	0	1

Defining Affected Groups

- **Known Unaffected Group:** cases that we know are not affected by the introduction of partial CSP.
- **Potentially Affected Group:** cases that are eligible to receive a disposition of stay instead of commit due to the introduction of partial CSP.

Criminal History Scores							
Pre-Introduction				**Post-Introduction**			
	Felony Pts				**Felony Pts**		
CSP	**0**	**0.5**	**1**	**CSP**	**0**	**0.5**	**1**
1	1	1	2	1	1	1	2
				0.5	0	1	1
0	0	0	1	0	0	0	1

Research Design: Difference-in-Differences

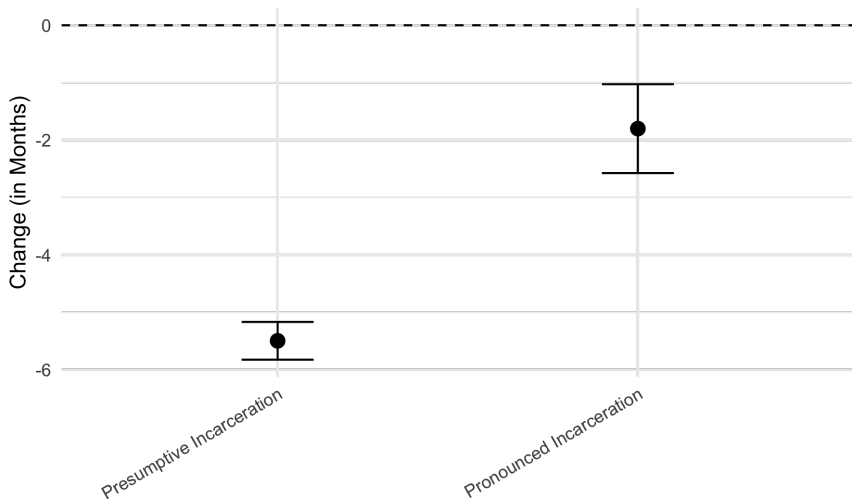Example: effect of CSP introduction on presumptive disposition
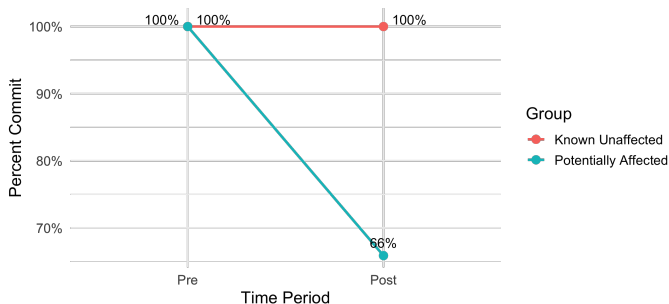
(Change among potentially affected) - (Change among known unaffected)
= (100% - 66%) - (100% - 100%)
= (-34%) - (0%) = -34%
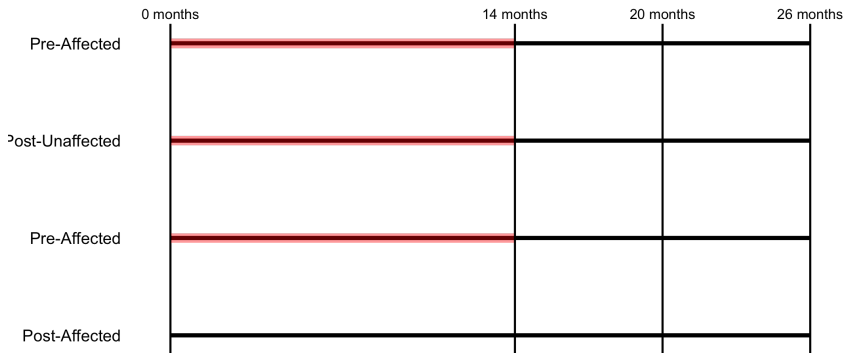
Effect of Policy Change on Disposition
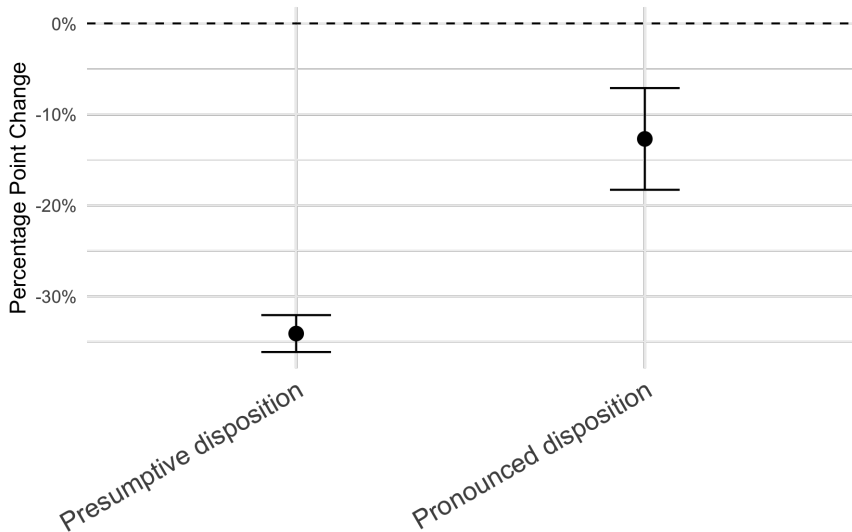
# Effect of Policy Change on Average Incarceration Length

Baseline Incarceration Period Reoffense Measure

- For each case, look at whether the person reoffended during the recommended length of incarceration had they been sentenced prior to the introduction of partial CSP.

- **Example:** If a case's presumptive incarceration length would have been 14 months prior to the introduction of partial CSP, we look at whether that individual reoffends within 14 months of sentencing.

- **Intuition:** This is the length of time the person "should" have spent in prison per guideline prior to August 2019. Thus, a crime committed during this period may have been avoided without the policy change.

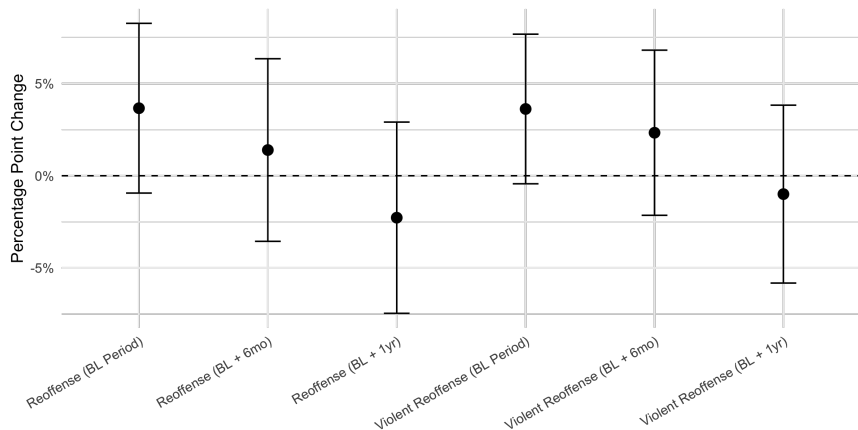# Illustrating Baseline Incarceration Period

Effect of Policy Change on Reoffense During Baseline Incarceration Periods
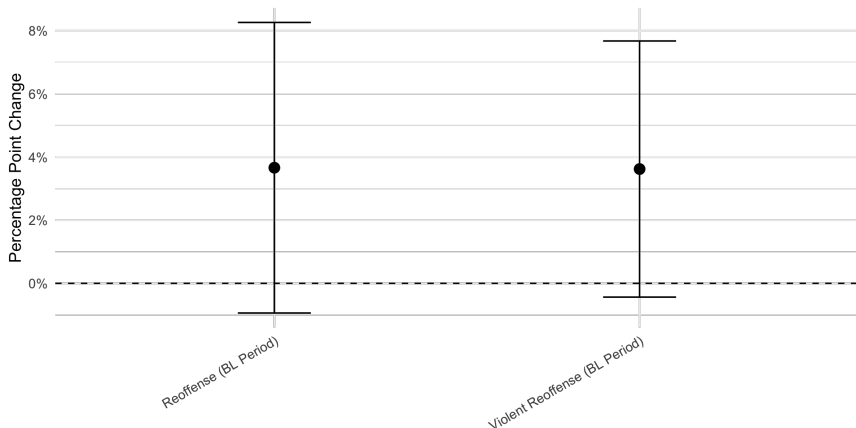
Violent Reoffense: if the reoffense is listed in Minn. Stat. § 609.1095(1)(d) or Minn. Stat. 624.712(5) (with the exception of drug offenses in chapter 152).

We can also see the effects after this initial period

Conclusion

- **Results:**
  - Introduction of partial CSP reduced incarceration.
  - Lack of incapacitation leads to a short-term increase in reoffense rates.
  - When we factor in months after baseline incarceration period, we find no evidence of increase in reoffense rates.

- **Policy Implications**
  - Reducing incarceration saves the state money and allows people to work, pay taxes, and contribute to their families and communities.
  - Key concern is that reduced sentence lengths may allow individuals to reoffend faster. This appears to be the case, however post-release outcomes lead to no medium-term effects on reoffense rates.

- **Future directions:**
  - Toolkit to use to analyze other policy changes (e.g. 2016 drug reforms).
  - Can study how judges respond to policy changes.
  - As more data become available, we can broaden this analysis to include more cases and a longer timeline.