

Overview of Drugs and Prison in Minnesota

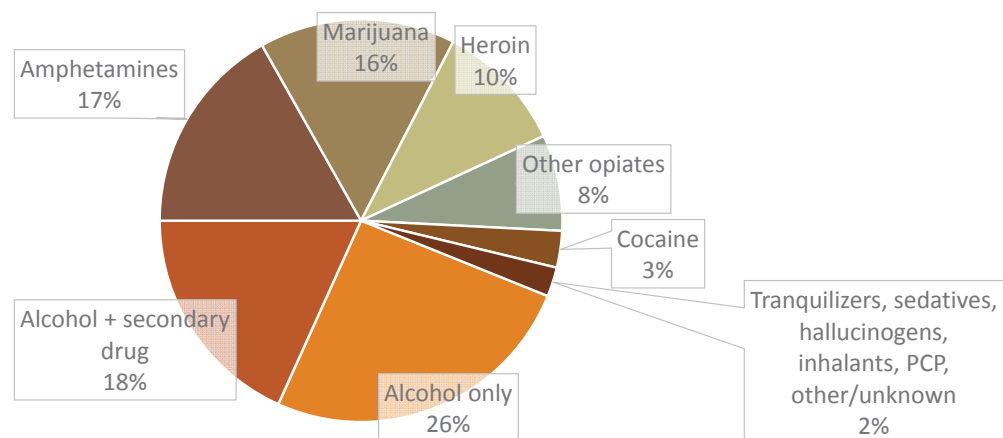
PRESENTATION TO PRISON POPULATION TASKFORCE
SEN. RON LATZ & REP. TONY CORNISH, CO-CHAIRS

NOVEMBER 18, 2015
NATE REITZ, MSGC EXECUTIVE DIRECTOR

MINNESOTA SENTENCING GUIDELINES COMMISSION

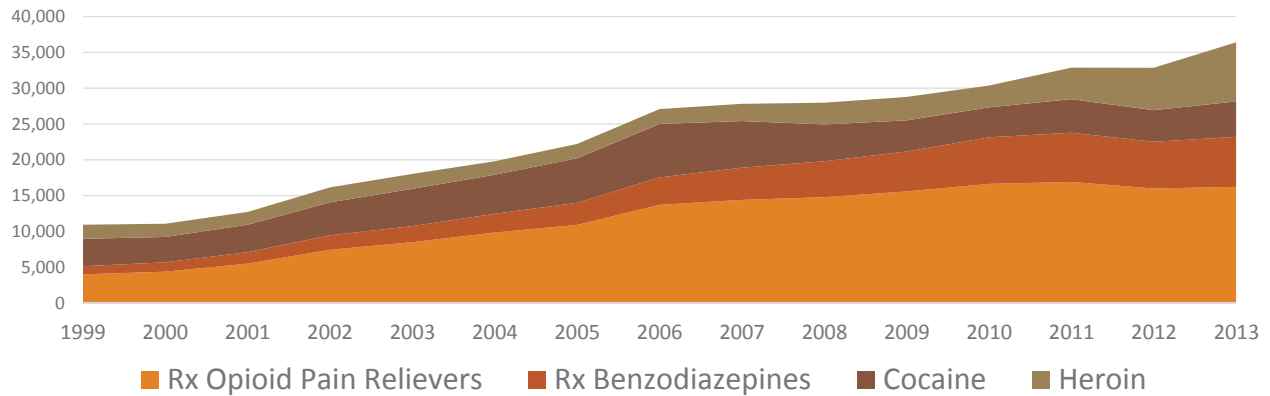
Over 52,000 Minnesotans are admitted for substance abuse treatment annually

2014 treatment admissions by substance of abuse (SOURCE: SAMHSA)



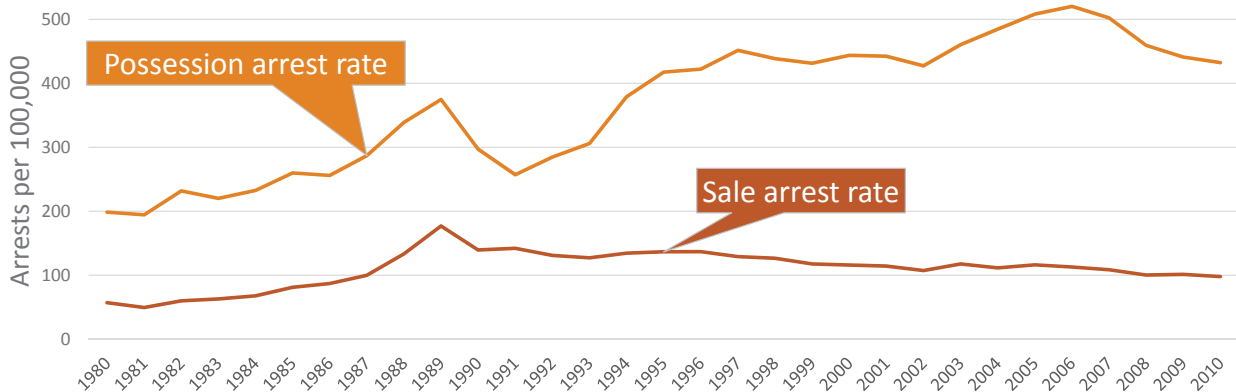
National rise in drug overdose deaths

National overdose deaths from select prescription and illicit drugs
(SOURCE: NATIONAL INSTITUTE ON DRUG ABUSE)



30-year trends in national arrest rates for drug possession vs. sale

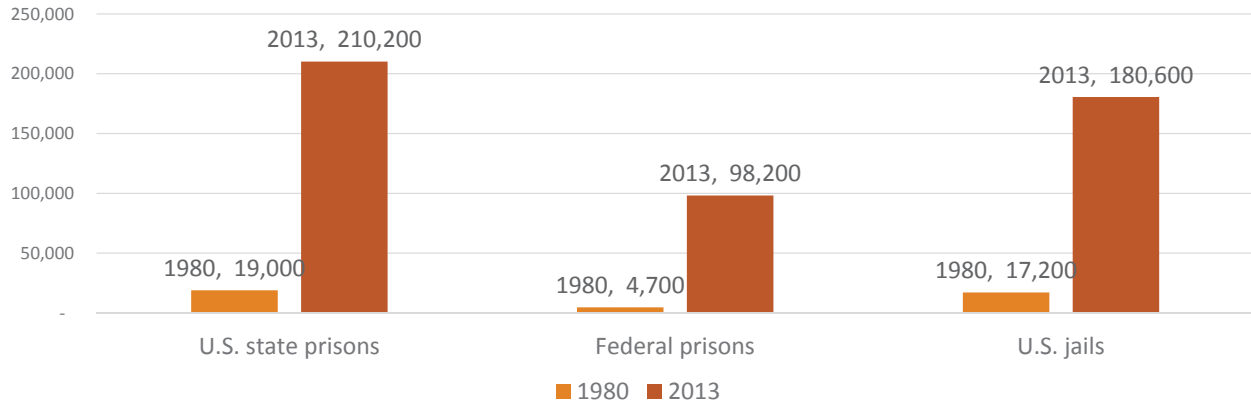
U.S. arrest rates, drug possession/use and drug sale
(SOURCE: BUREAU OF JUSTICE STATISTICS)



13-fold rise in drug imprisonment in 33 yrs. according to national sentencing-reform advocacy group

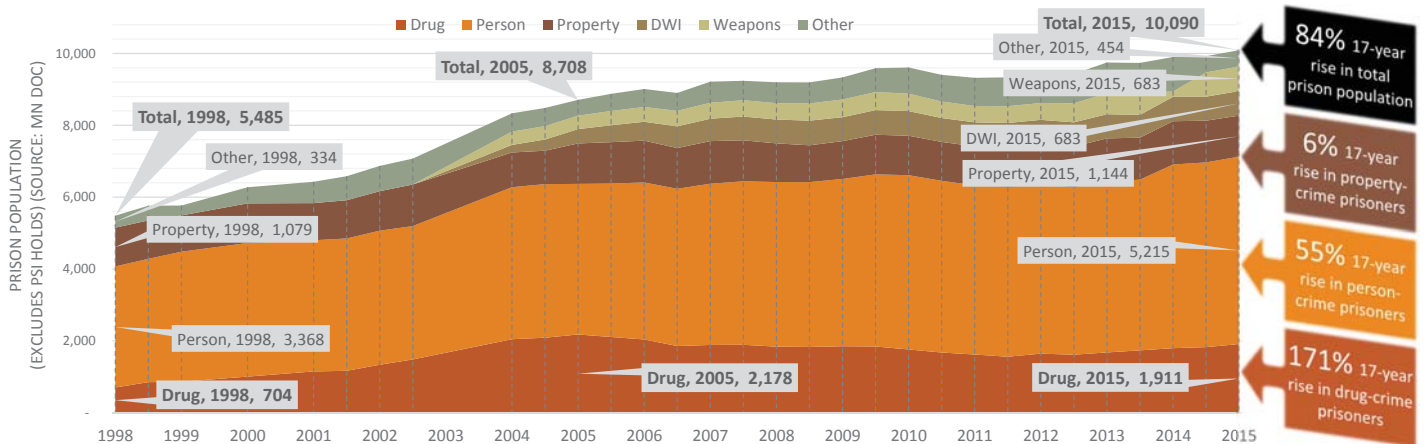
Number of people in prisons and jails for drug offenses, 1980 and 2013

(SOURCE: THE SENTENCING PROJECT, USING BUREAU OF JUSTICE STATISTICS DATA)

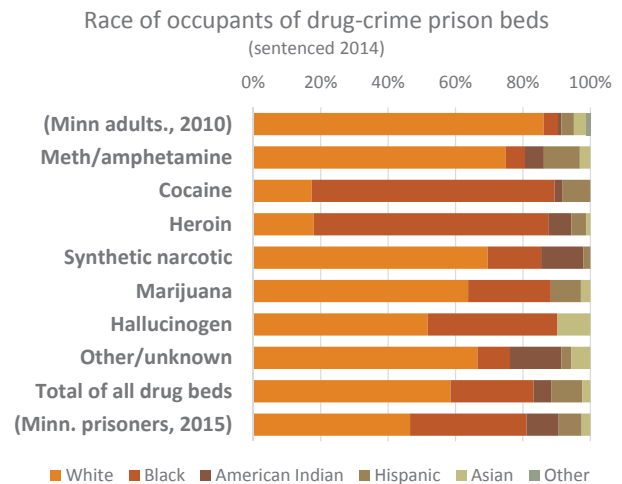
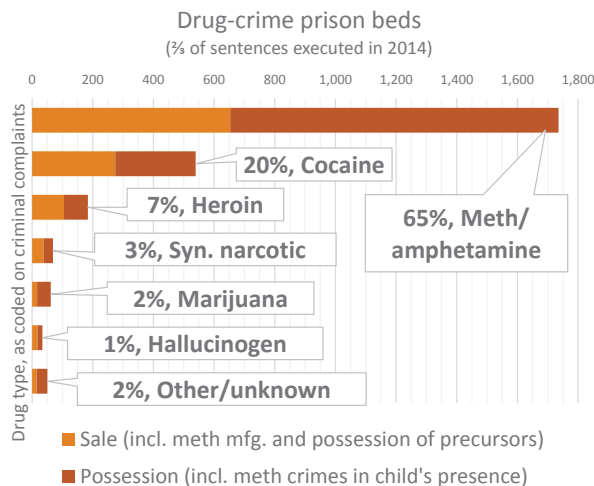


Minnesota's drug-crime prisoner population tripled from 1998-2005

Minn. state prison population by offense type, 1998-2015



In 2014, most Minn. prison time for drug crimes was linked to amphetamines (meth)



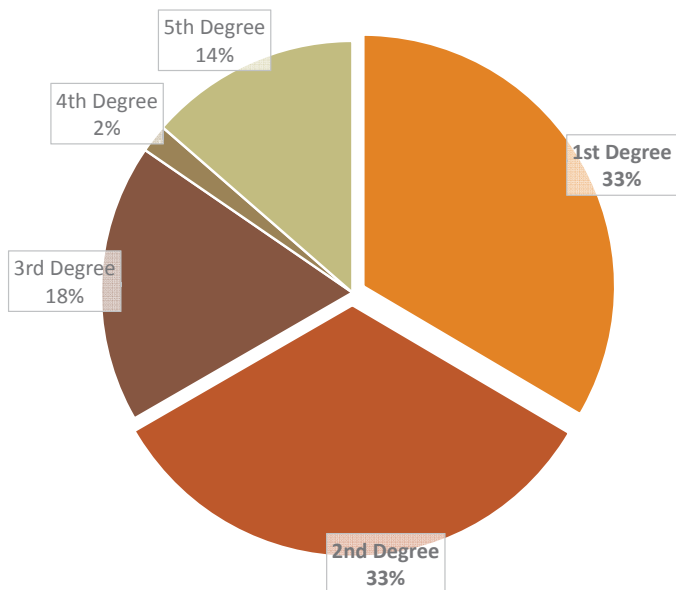
Sentencing in 1st and 2nd Degree drug cases

The rest of this presentation will focus almost exclusively on sentencing for 1st and 2nd Degree controlled substance crime

Why?

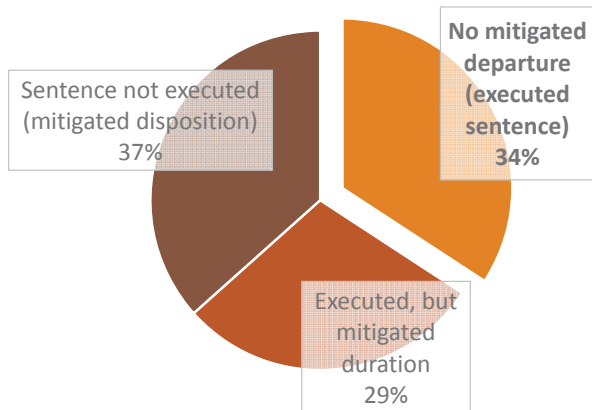
- Most serious, and most studied, drug offenses
- Prison presumed in all cases
- Most prison beds, compared to other degrees

Prison beds from sentences executed 2012-14

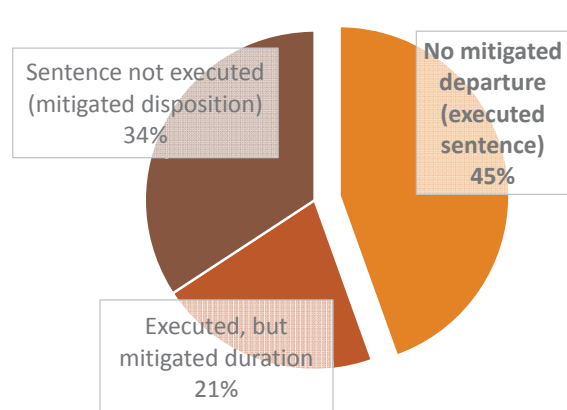


Fewer than half of 1st and 2nd Degree drug offenders get presumptive sentence

1ST DEGREE DRUG SENTENCES, 2012-14

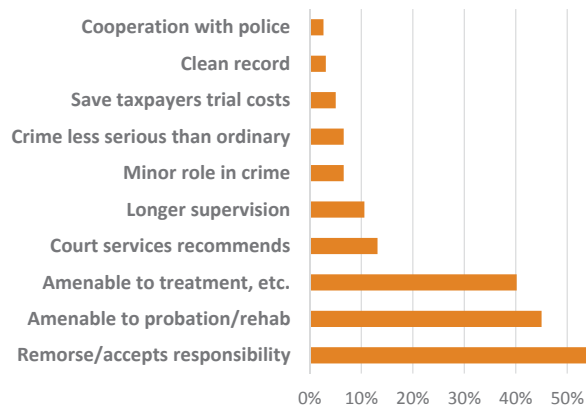


2ND DEGREE DRUG SENTENCES, 2012-14

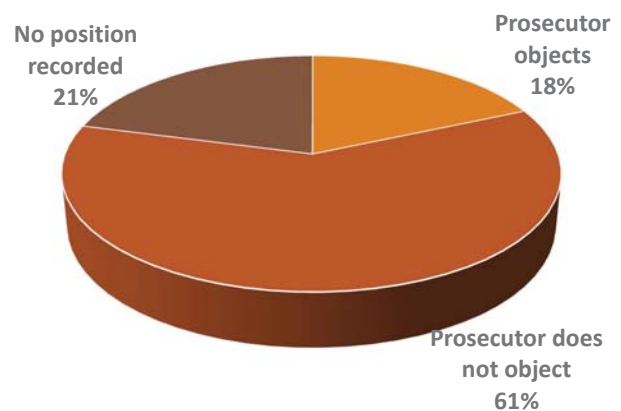


Reasons for these departures vary

MOST COMMON REASONS FOR DEPARTURE



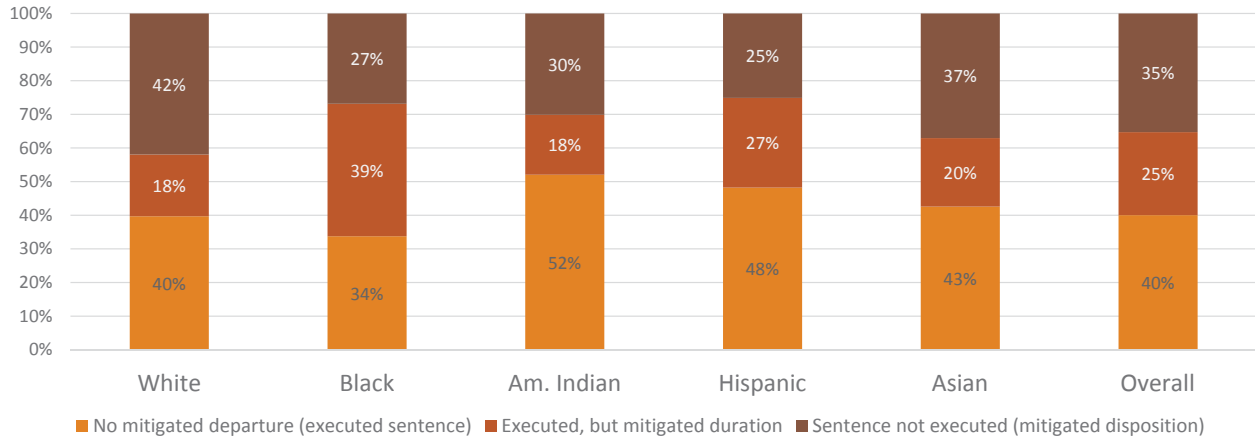
PROSECUTOR'S POSITION ON DEPARTURE



All 1st and 2nd Degree drug sentences with a mitigated departure, 2012-14

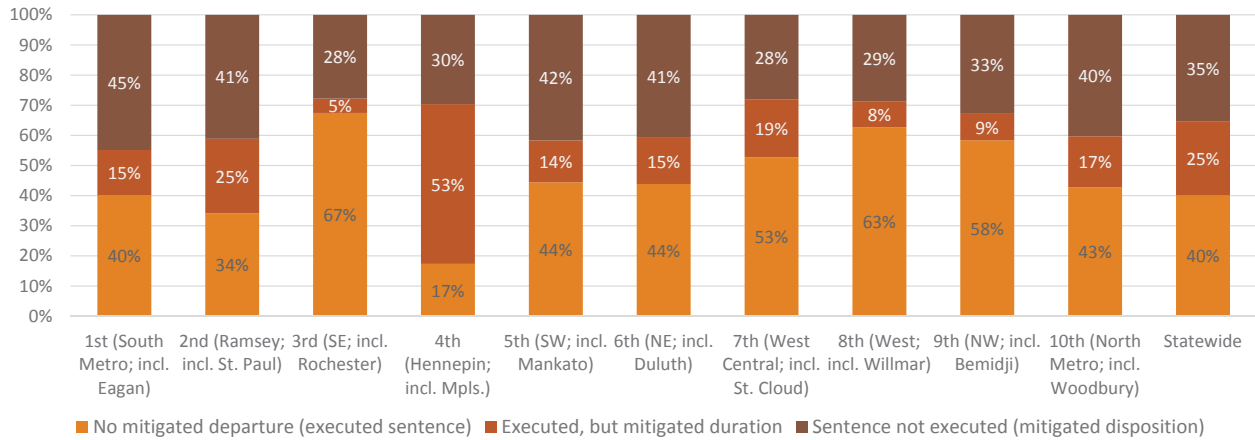
Departure rates vary by race

Departure rates for 1st and 2nd Degree drug offenders, sentenced 2012-14



Departure rates vary by judicial district

Departure rates for 1st and 2nd Degree drug offenders, sentenced 2012-14



Significant effects on mitigated departures

Regression analysis: 1st and 2nd Degree drug offenses sentenced in 2011

① RACE/ETHNICITY

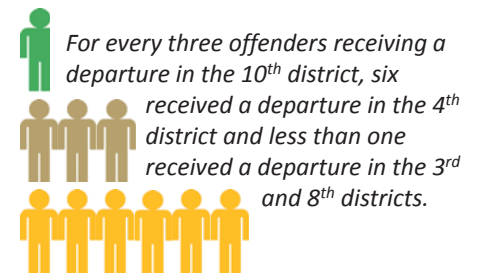
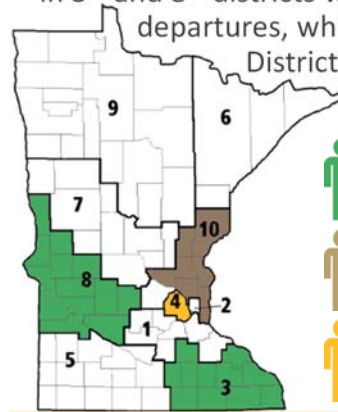
Compared to whites, Hispanics were 64% less likely to get a mitigated departure. This was the only statistically significant effect for race/ethnicity.



For every 6 white offenders who received a departure, a little over 2 Hispanic offenders received a departure.

② JUDICIAL DISTRICT

Compared to 10th District, offenders sentenced in 3rd and 8th districts were less likely to get departures, while offenders in the 4th District were twice as likely to get departures.**



Significant effects on mitigated departures

Regression analysis: 1st and 2nd Degree drug offenses sentenced in 2011

③ CRIMINAL HISTORY

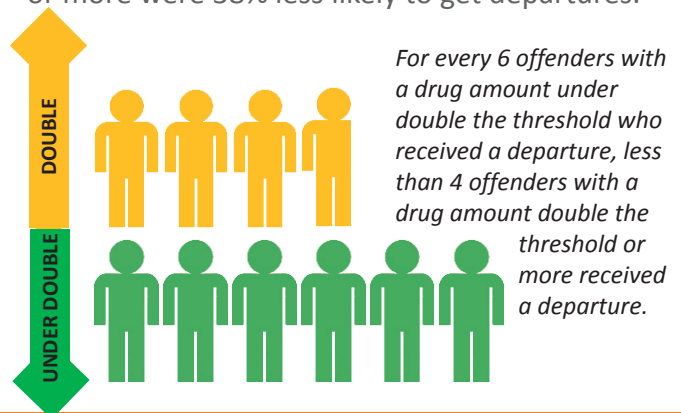
Offenders with criminal history scores of 1 or more were 65% less likely to get departures.



For every 6 offenders at CHS 0 who received a departure, a little over 2 offenders at a CHS of 1 or more received a departure.

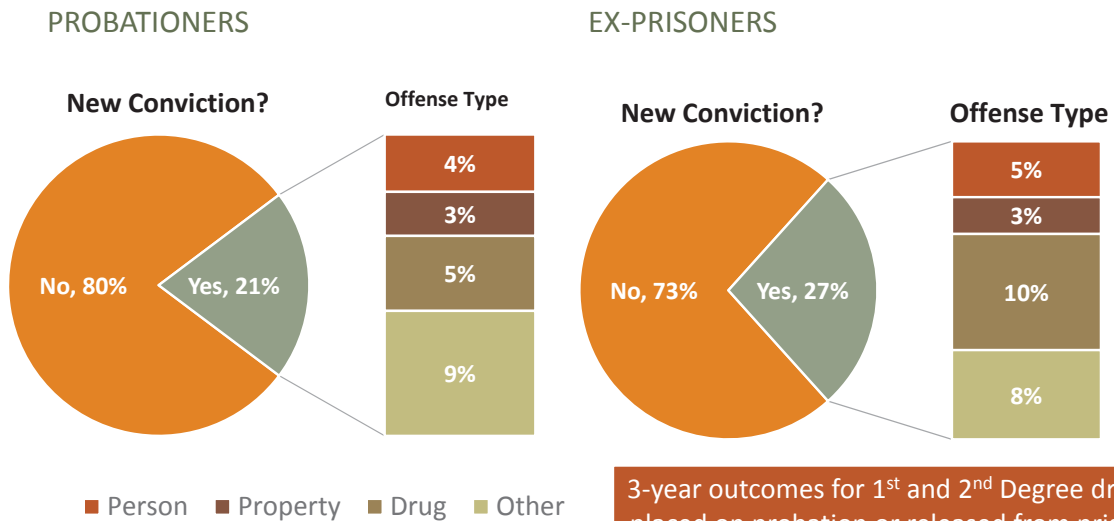
④ DRUG WEIGHT

Offenders with double the threshold amount or more were 38% less likely to get departures.

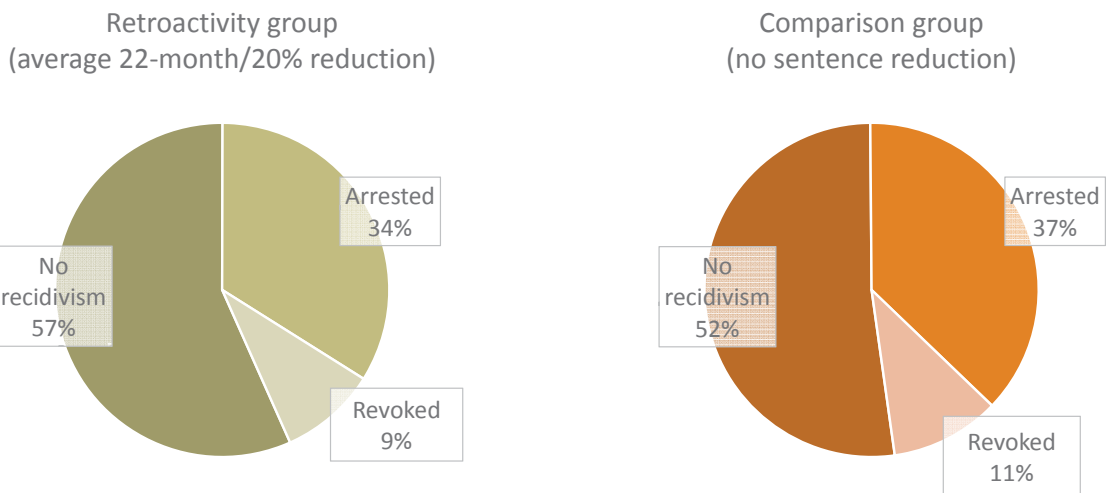


For every 6 offenders with a drug amount under double the threshold who received a departure, less than 4 offenders with a drug amount double the threshold or more received a departure.

For 1st & 2nd Degree drug offenses, probationers reoffend slightly less often than ex-prisoners



Feds: Retroactively reducing long crack sentences did not affect recidivism




SOURCE: U.S. SENTENCING COMMISSION

Presumptive sentences in comparable guidelines states


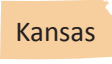



Example of Minn. 1st Degree Sale offense

Typical 1st Degree Sale drug offender—2011 profile
Crime: Sell, or possess w/ intent to sell, 10 or more grams of cocaine, heroin, or meth in a 90-day period

	Offense sentenced: 1st Degree Sale
	31 years old White or Hispanic male Sentenced in the Metro area Criminal history score of 0
Drug	Cocaine or meth Less than 20 grams
Act	A confidential, reliable informant (CRI) was used Actual sale transaction(s) Convicted of a first-time drug offense
Other	A gun was not involved, nor were children present Most likely sentenced to probation

Example 1


Sale of 19 grams of cocaine, no weapon involved
Criminal history score of 0, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 86 mo. Range 74-103 mo.
 Kansas	Prison 49 mo. Range 46-51 mo.
 Washington	Prison 16 mo. Range 12+ to 20 mo.
 Oregon	Prison Range 16-18 mo. Probation/treatment opt
 Federal	Prison Range 10-16 mo.

Presumptive sentences in comparable guidelines states


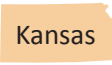



Example of Minn. 1st Degree Possession offense

Typical 1st Degree Possession drug offender—2011 profile
Crime: Possess 25 or more grams of cocaine, heroin, or meth in a 90-day period

	Offense sentenced: 1st Degree Possession
	35 years old White male Sentenced in the Metro area Criminal history score of 0
Drug	Cocaine or meth Less than 50 grams
Act	No CRI was used Originally charged with 1st Degree Possession Convicted of a first-time drug offense
Other	A gun was not involved, nor were children present Most likely sentenced to probation

Example 2


Possess 49 grams of cocaine, no weapon involved
Criminal history score of 0, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 86 mo. Range 74-103 mo.
 Kansas	Probation 11 mo. Range 10-12 mo.
 Washington	Jail 3 mo. Range 0-6 mo.
 Oregon	Probation 90-180 days jail 3 years supervision
 Federal	No prison required Range 0-6 mo.

Presumptive sentences in comparable guidelines states


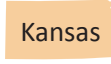



Example of Minn. 2nd Degree Sale offense

Typical 2nd Degree Sale drug offender—2011 profile *Crime: Sell, or possess w/ intent to sell, 3 or more grams of cocaine, heroin, or meth in a 90-day period*

	Offense sentenced: 2nd Degree Sale
	32 years old White male Sentenced in Greater Minnesota Criminal history score of 0 or 1
Drug	Meth Less than 10 grams
Act	A CRI was used Actual sale transaction(s); originally charged with 2nd Degree Sale Convicted of a first-time drug offense
Other	A gun was not involved, nor were children present Most likely sentenced to the presumptive sentence

Example 3


Sale of 9 grams of meth, no weapon involved
Criminal history score of 1, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 58 mo. Range 50-69 mo.
 Kansas	Prison 104 mo. Range 99-110 mo.
 Washington	Prison 16 mo. Range 12-20 mo.
 Oregon	Probation 90-180 days jail 3 years supervision
 Federal	Prison Range 15-21 mo.

Presumptive sentences in comparable guidelines states


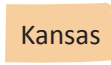



Example of Minn. 2nd Degree Possession offense

Typical 2nd Degree Possession drug offender—2011 profile *Crime: Possess 6 or more grams of cocaine, heroin, or meth in a 90-day period*

	Offense sentenced: 2nd Degree Possession
	34 years old White male Sentenced in the Metro area Criminal history score of 0 or 1
Drug	Meth Between 12 and 25 grams
Act	No CRI was used Originally charged with 1st Degree Possession Convicted of a first-time drug offense
Other	A gun was not involved, nor were children present Most likely sentenced to the presumptive sentence

Example 4

Possess 24 grams of meth, no weapon involved
Criminal history score of 1, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 58 mo. Range 50-69 mo.
 Kansas	Prison, 104 mo. (99-110) (Unless presumption of intent to sell is rebutted)
 Washington	Jail 16 mo. Range 12-20 mo.
 Oregon	Probation 90-180 days jail 3 years supervision
 Federal	No prison required Range 0-6 mo.

Appendix: Drug Prisoner Profiles

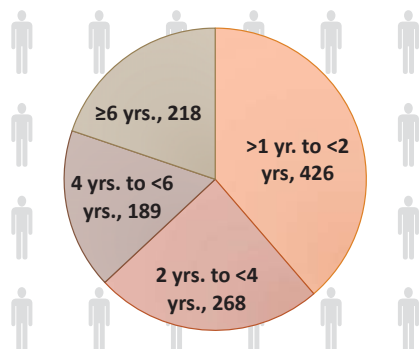
ORIGINALLY PRESENTED TO PRISON POPULATION TASKFORCE
OCTOBER 21, 2015

11/18/2015

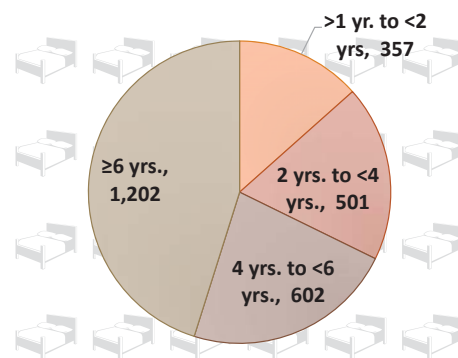
MSGC PRESENTATION TO PRISON POPULATION TASKFORCE

Examining Drug Offenders, Grouped by Executed Sentence Duration

Number of Drug Offenders Sentenced to Executed Prison Sentences in 2014, Grouped by Sentence Duration



Estimated Prison Beds from Executed Prison Sentences for Drug Offenses in 2014, Grouped by Sentence Duration

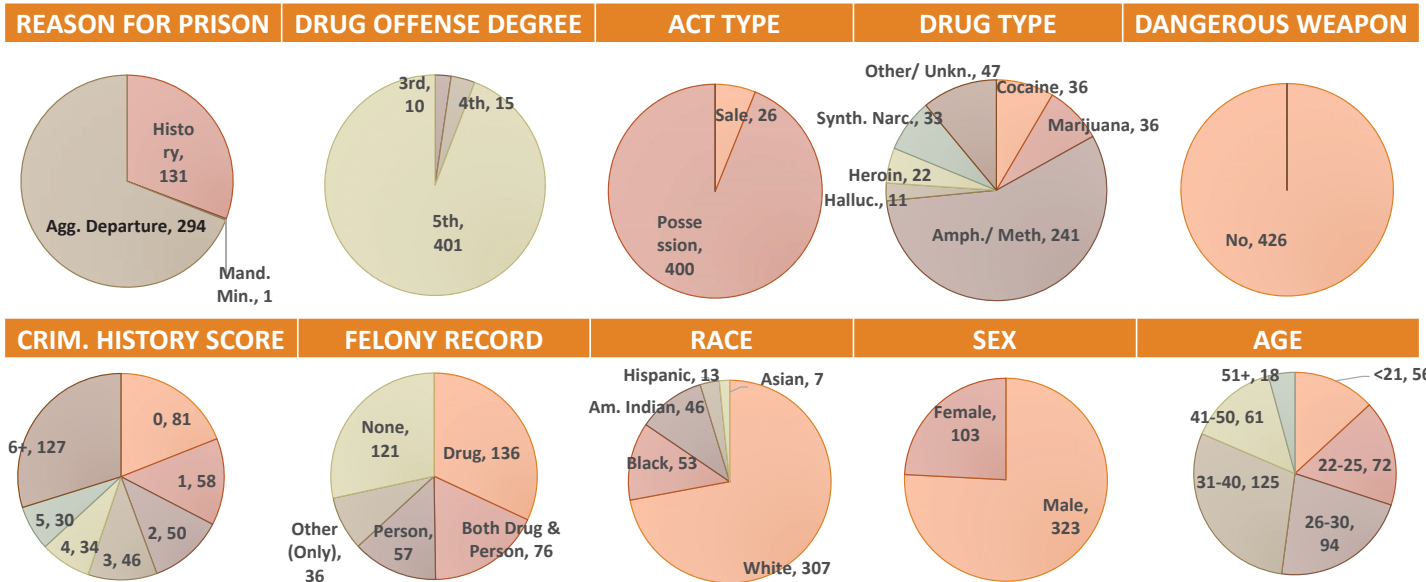


Note: Data corrected from October presentation

11/18/2015

MSGC PRESENTATION TO PRISON POPULATION TASKFORCE

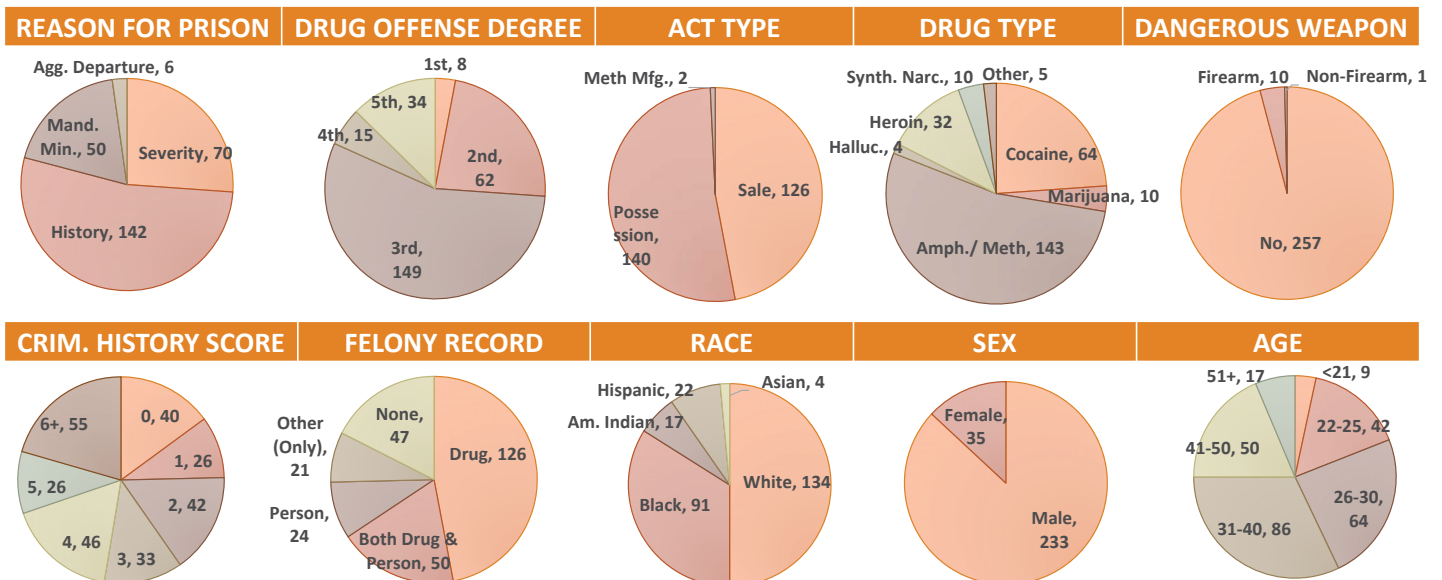
Characteristics of Cohort Sentenced to Prison for More Than 1, Less Than 2 Yrs.



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MSGC PRESENTATION TO PRISON POPULATION TASKFORCE

Characteristics of Cohort Sentenced to Prison for 2 to Less Than 4 Years

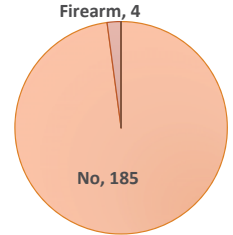
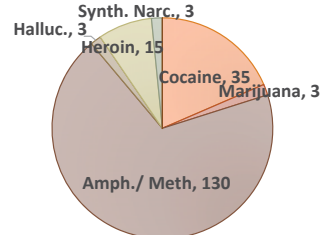
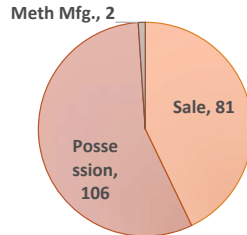
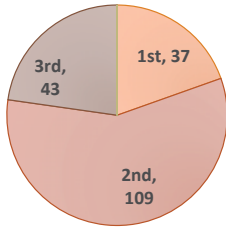
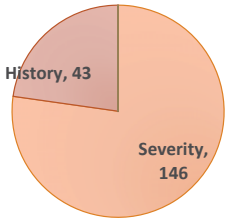


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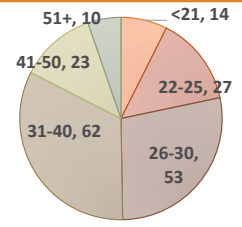
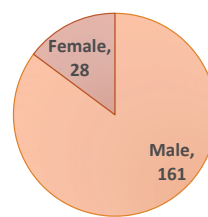
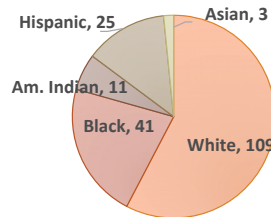
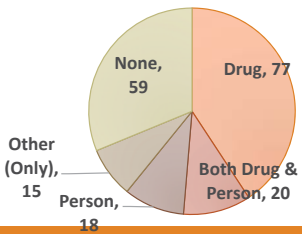
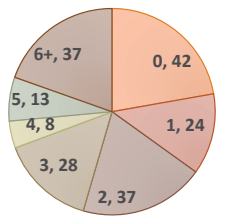
MSGC PRESENTATION TO PRISON POPULATION TASKFORCE

Characteristics of Cohort Sentenced to Prison for 4 to Less Than 6 Years

REASON FOR PRISON DRUG OFFENSE DEGREE ACT TYPE DRUG TYPE DANGEROUS WEAPON

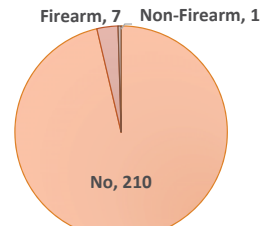
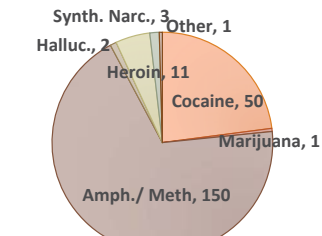
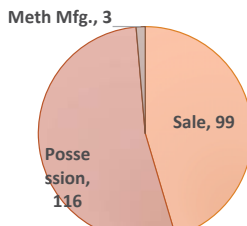
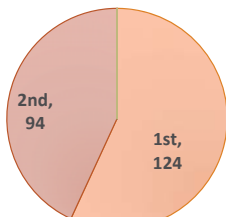
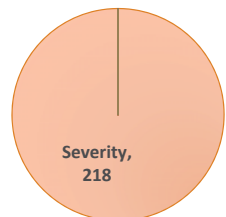


CRIM. HISTORY SCORE FELONY RECORD RACE SEX AGE



Characteristics of Cohort Sentenced to Prison for 6 or More Years

REASON FOR PRISON DRUG OFFENSE DEGREE ACT TYPE DRUG TYPE DANGEROUS WEAPON



CRIM. HISTORY SCORE FELONY RECORD RACE SEX AGE

