

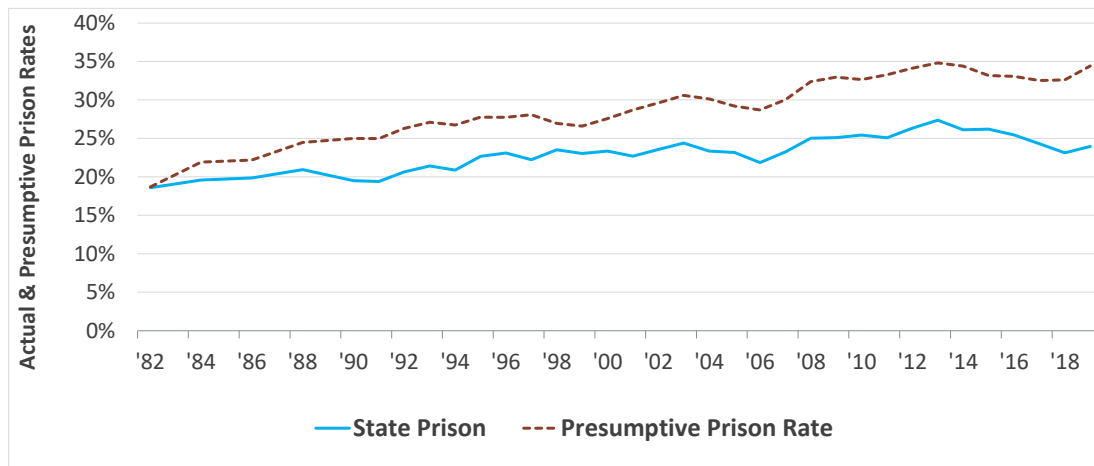


Sentencing Departures

MSGC Staff Presentation
March 11, 2021

1

Actual & Presumptive Prison Rates, 1982, 1984, 1986, 1988, 1990–2019



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2

2

Departures from the Sentencing Guidelines

A “departure” is a pronounced sentence other than that recommended in the appropriate cell of the applicable Guidelines Grid. There are two types of departures – dispositional and durational.

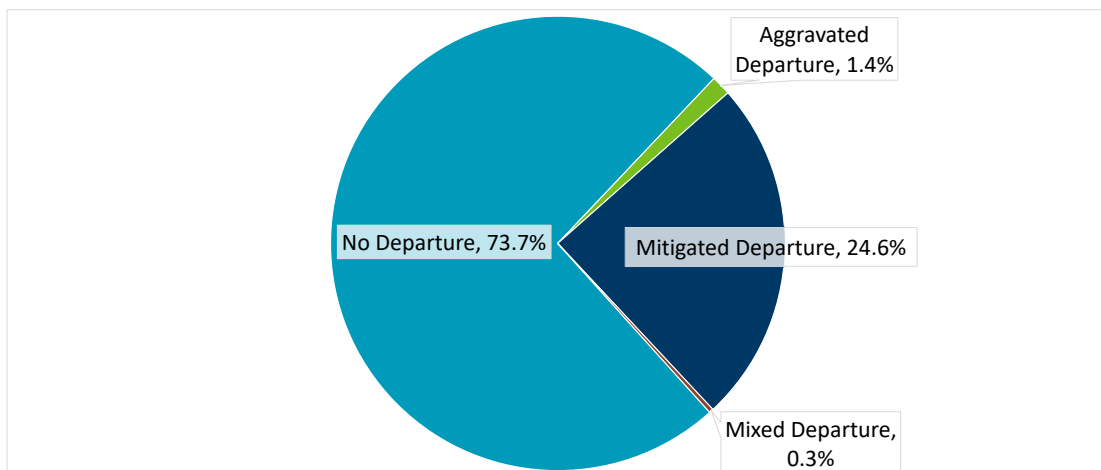
Since the presumptive sentence is based on “the typical case,” the appropriate use of departures by the courts when substantial and compelling circumstances exist can enhance proportionality by varying the sanction in an atypical case.



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3

Total Departure Rates, 2019



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4

4

Dispositional Departures

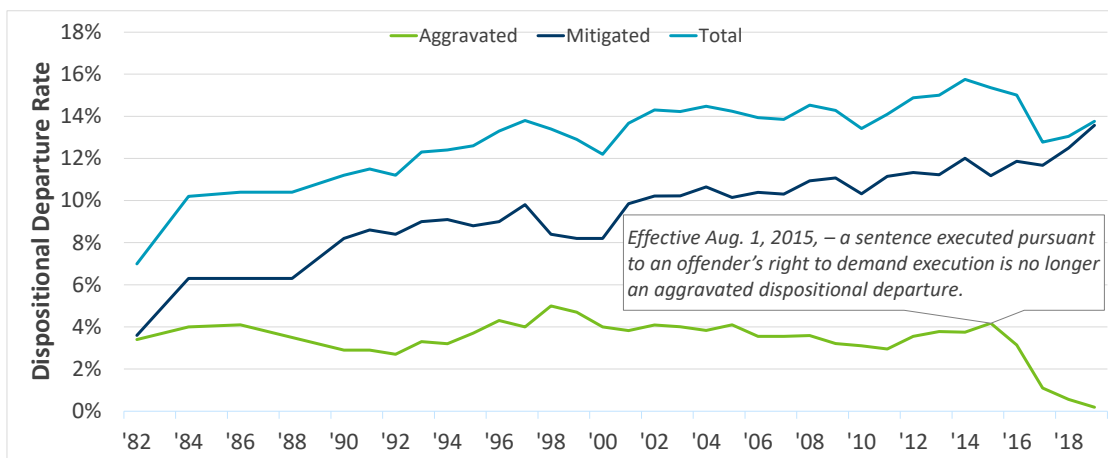
A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types: aggravated and mitigated. An aggravated dispositional departure occurs when the Guidelines recommend a stayed sentence, but the court pronounces an executed prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend an executed prison sentence, but the court pronounces a stayed sentence.



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5

Dispositional Departure Rates, 1982, 1984, 1986, 1988, 1990–2019

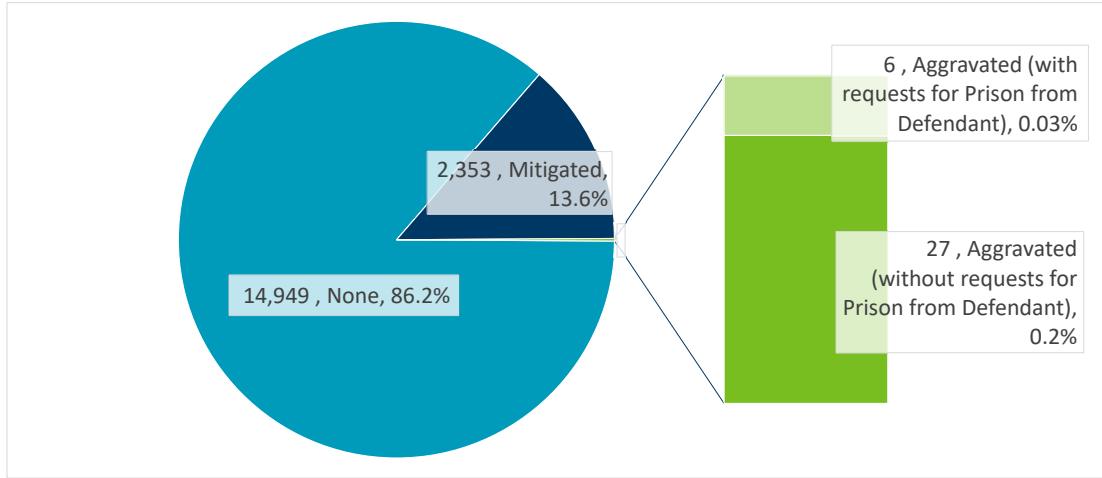


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6

6

Dispositional Departure Rates with and without Requests for Prison from Defendant, 2019

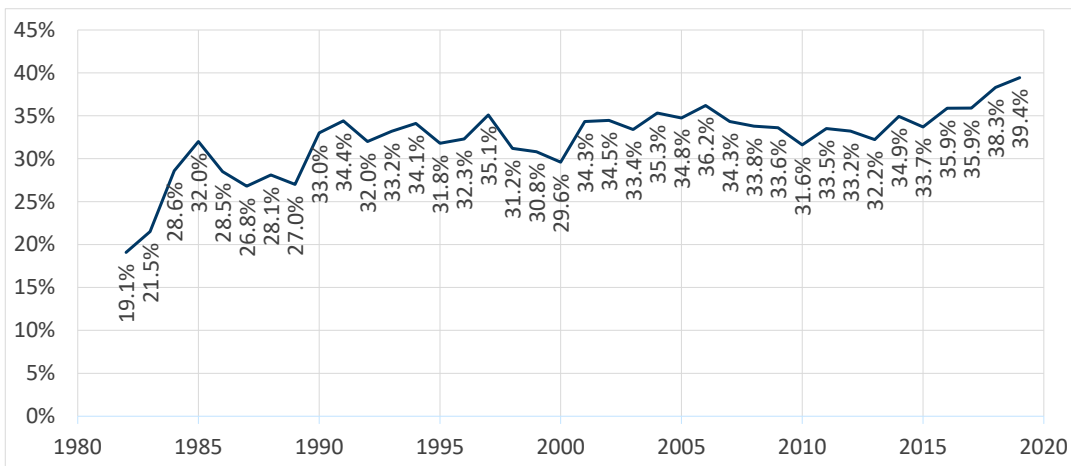


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7

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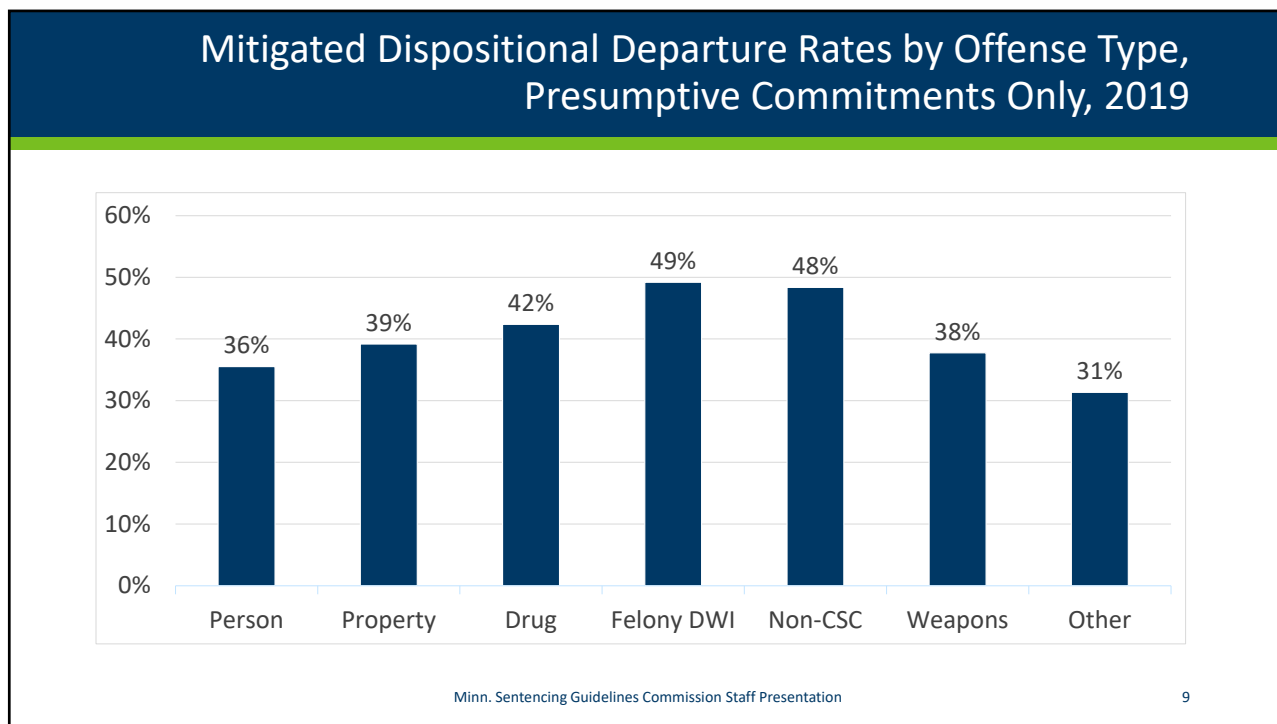
Mitigated Dispositional Departure Rates, Presumptive Commitments Only, 1982–2019



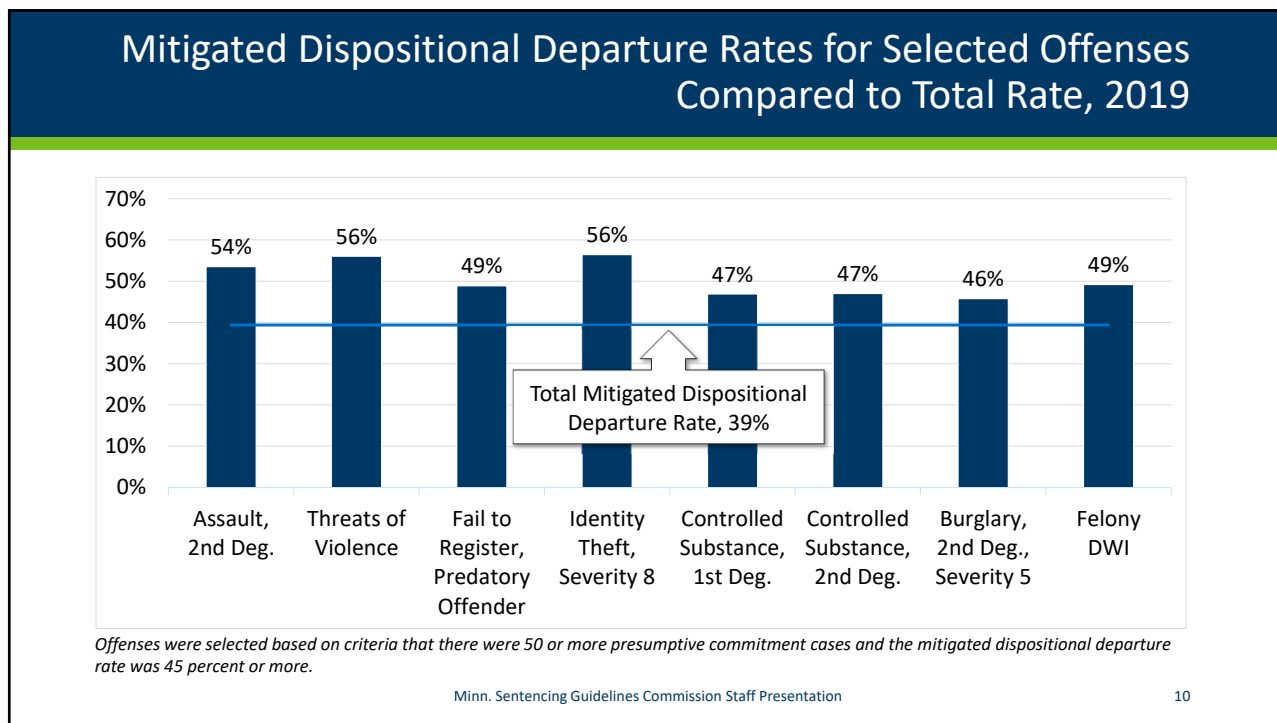
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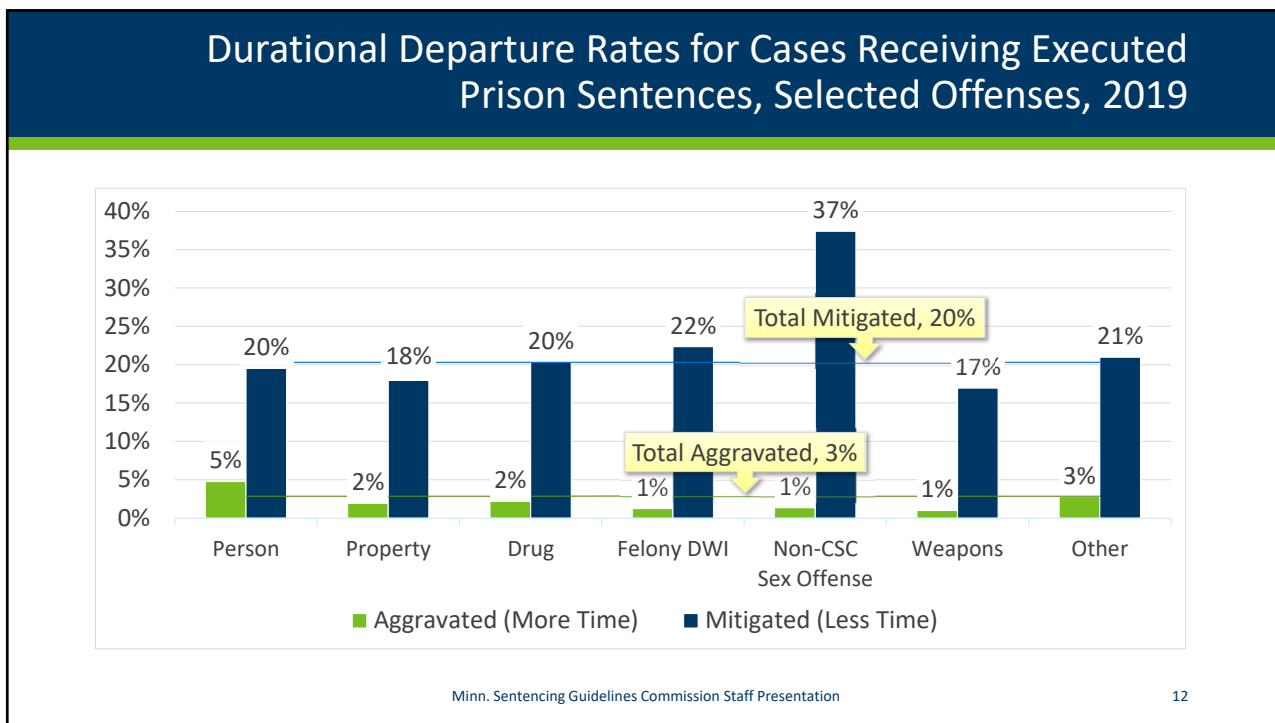
Durational Departures for Cases Receiving an Executed Prison Term

A “durational departure” occurs when the court orders a sentence with a duration that is other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid. There are two types of durational departures: aggravated durational departures and mitigated durational departures. An aggravated durational departure occurs when the court pronounces a duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid. A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid.

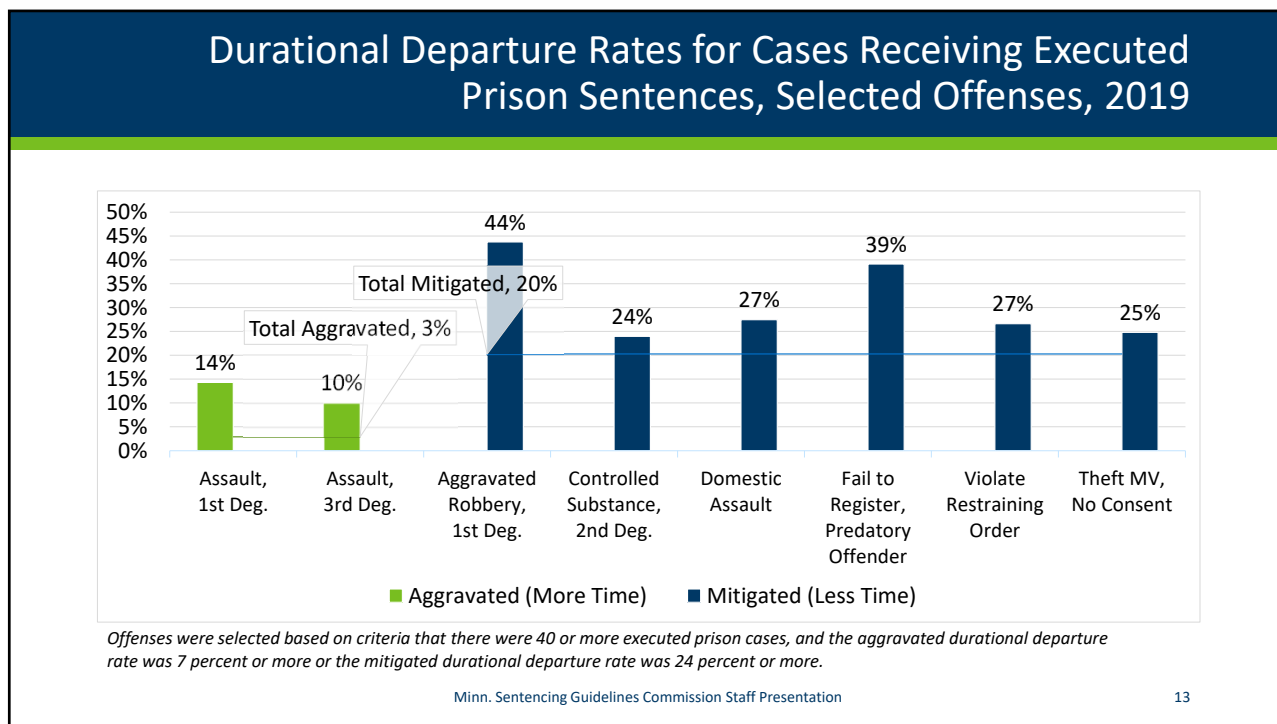


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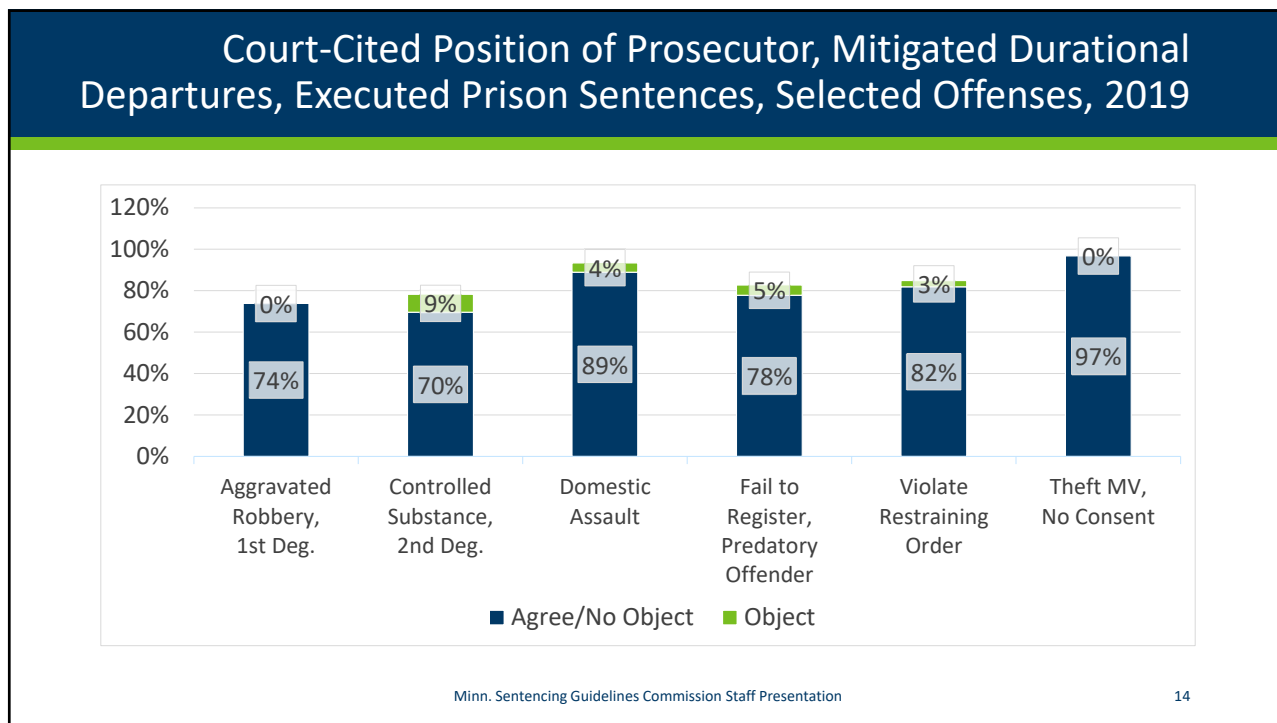
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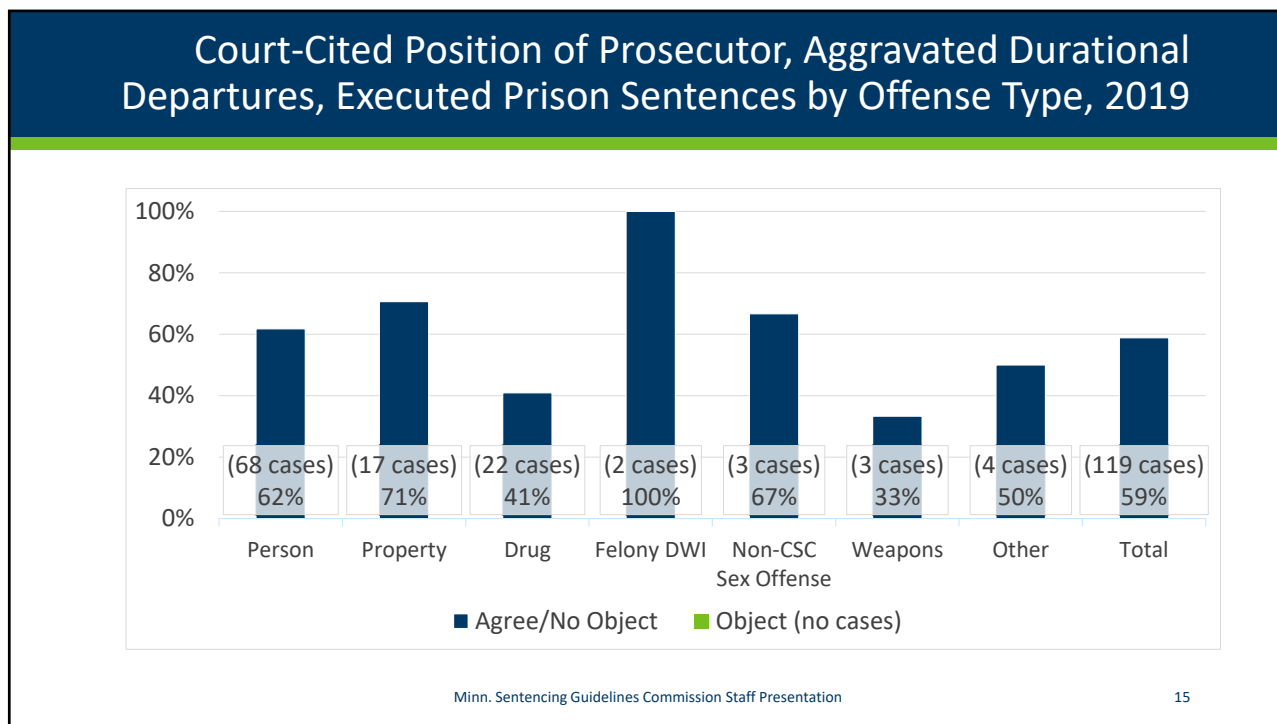
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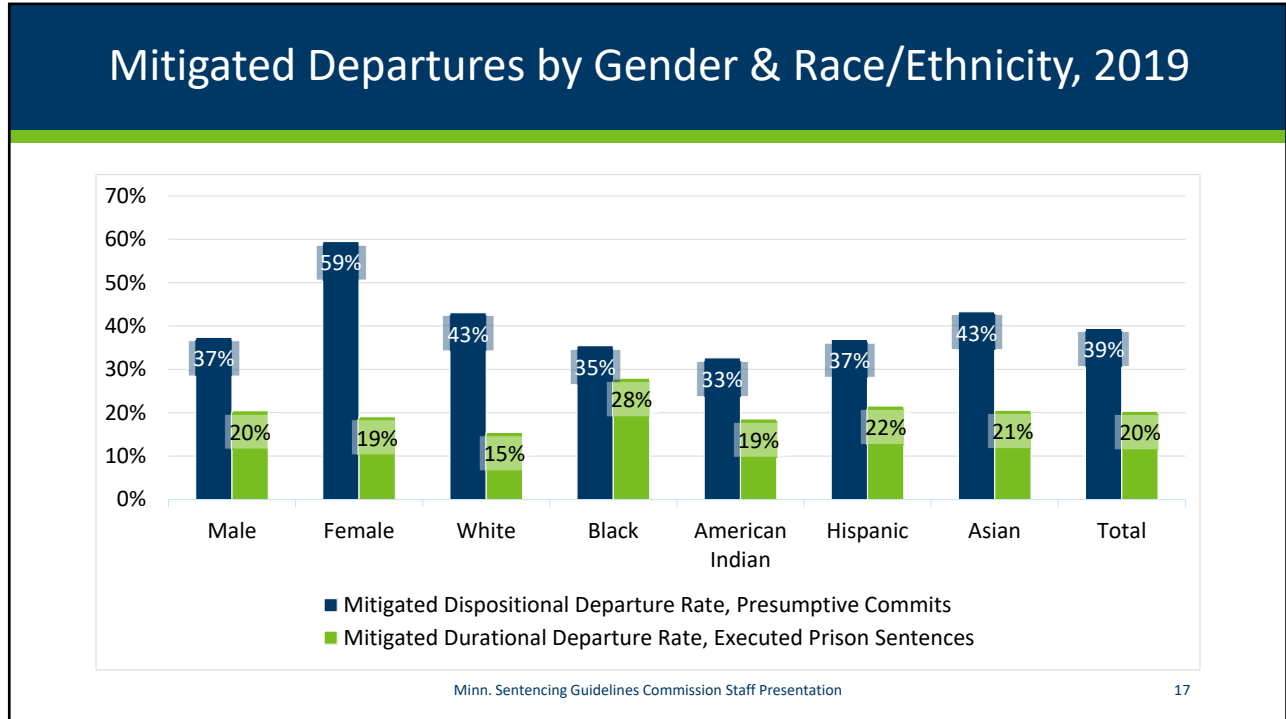
Mitigated Departures: Gender, Race/Ethnicity, & Judicial Districts

Previous sections discussed mitigated dispositional departure rates for presumptive commitment offenses and mitigated durational departure rates for executed prison sentences. This section presents a combined illustration of departure rates by gender, race/ethnicity, and judicial districts.

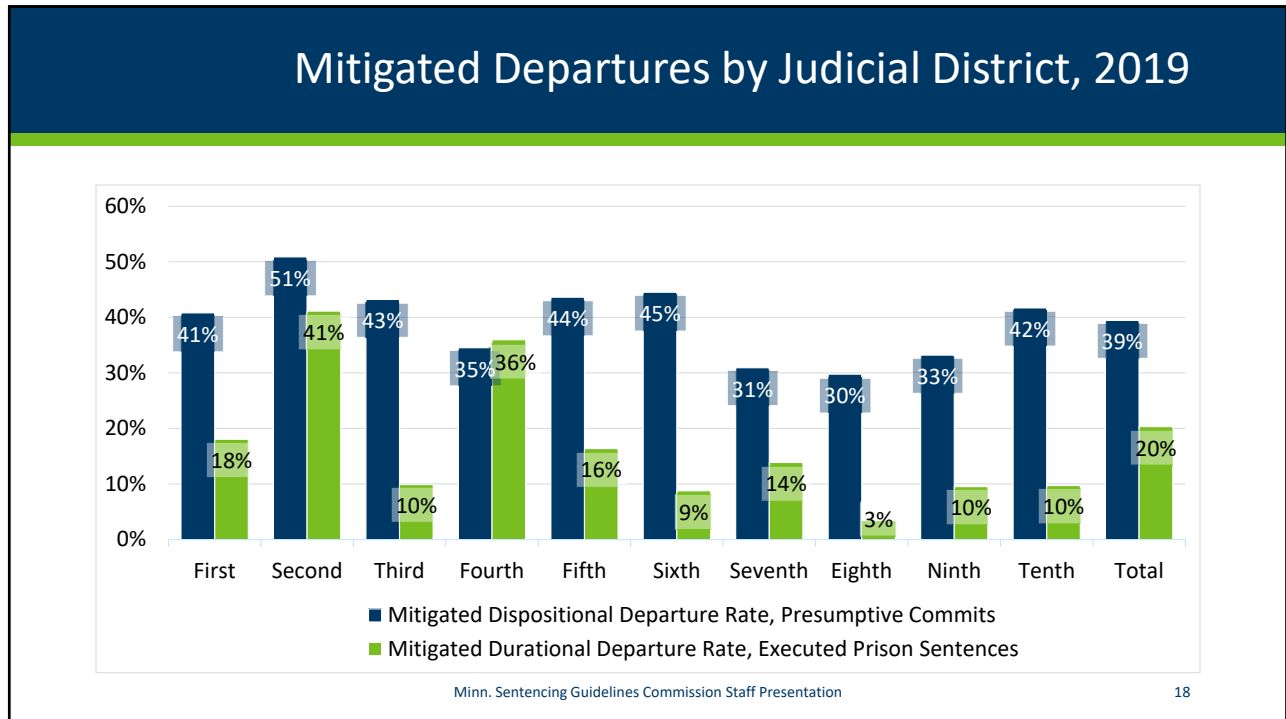


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16

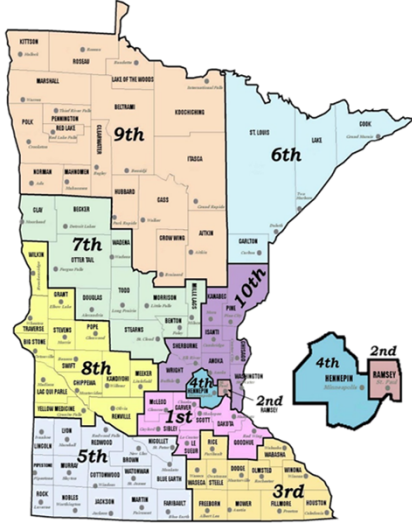


17



18

Minnesota Judicial District



Source: Minn. Judicial Branch

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