



Custody-Status Policy Study – Data & Policy Overview

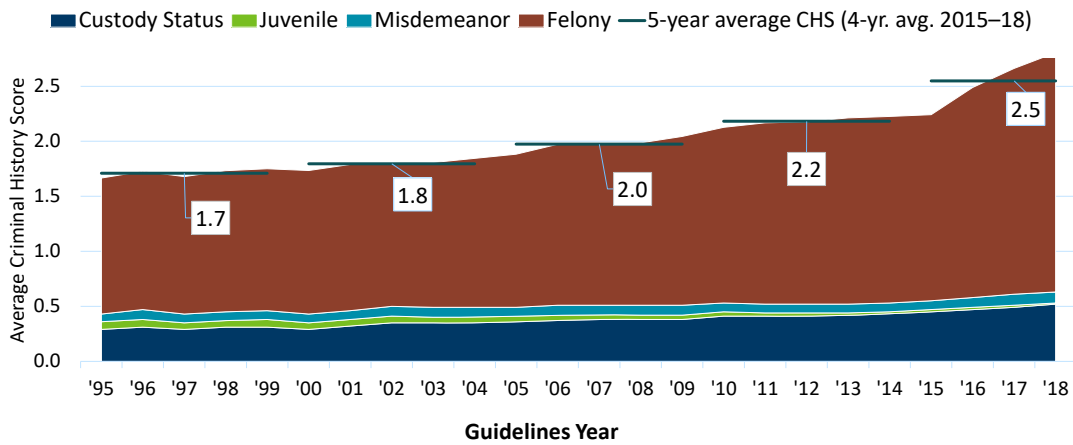
MSGC Staff Presentation

February 10, 2022

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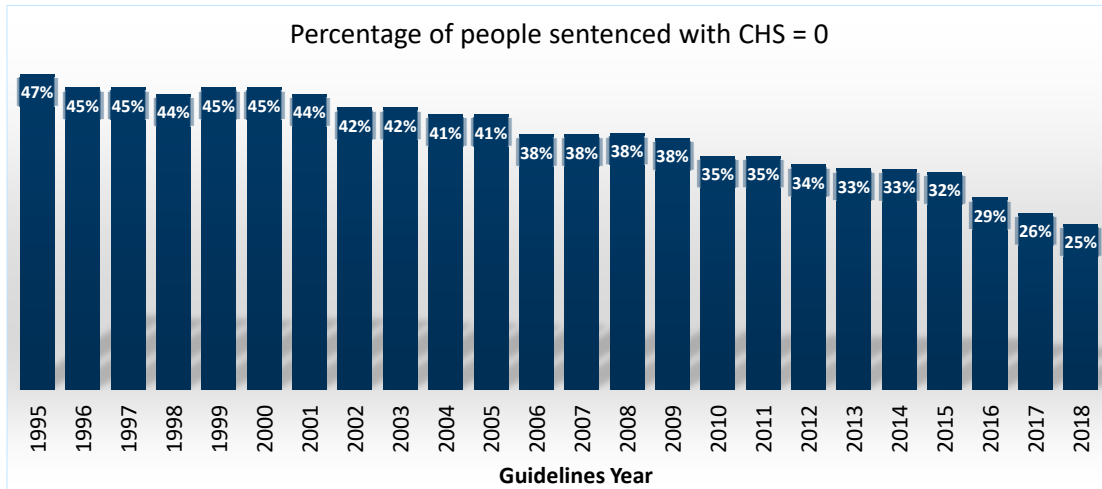
Average Criminal History Scores Have Grown Since 1995



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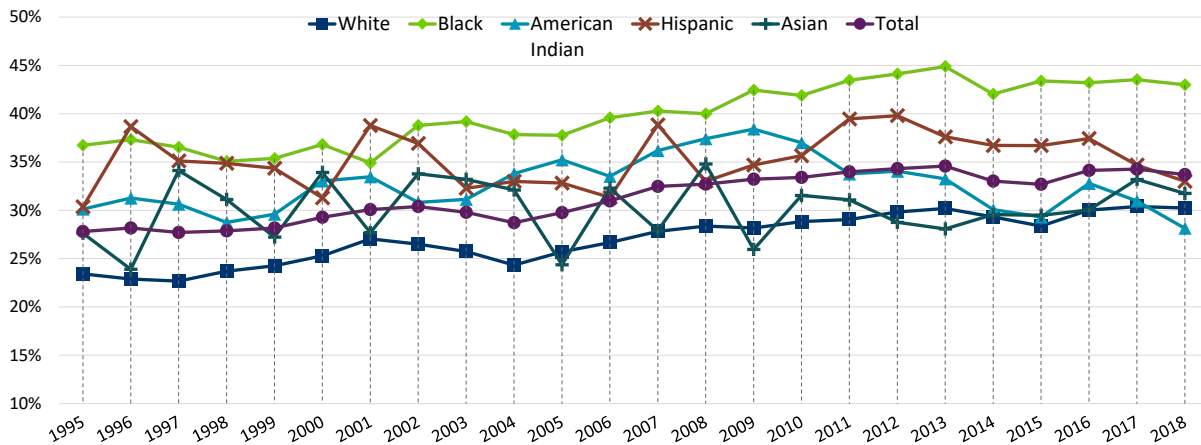
Percentage with Criminal History Score 0 has Dropped



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Percentage Presumptive Prison by Race/Ethnicity: Guidelines Years 1995-2018

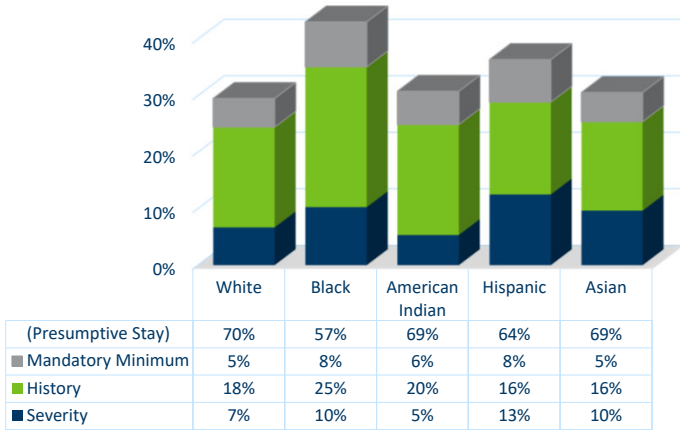


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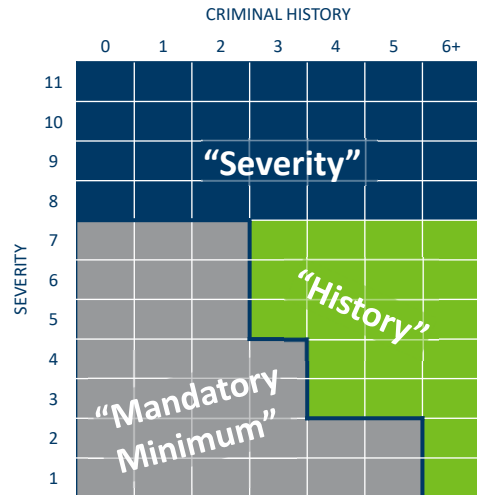
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Reasons for Presumptive Prison Varies

Reasons for Presumptive Prison by Race/Ethnicity, Guidelines Years 2014–2018

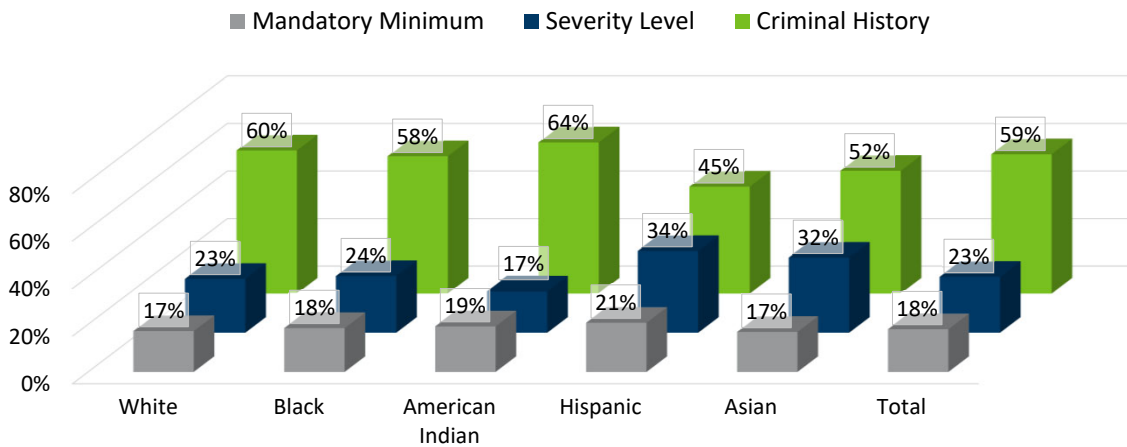


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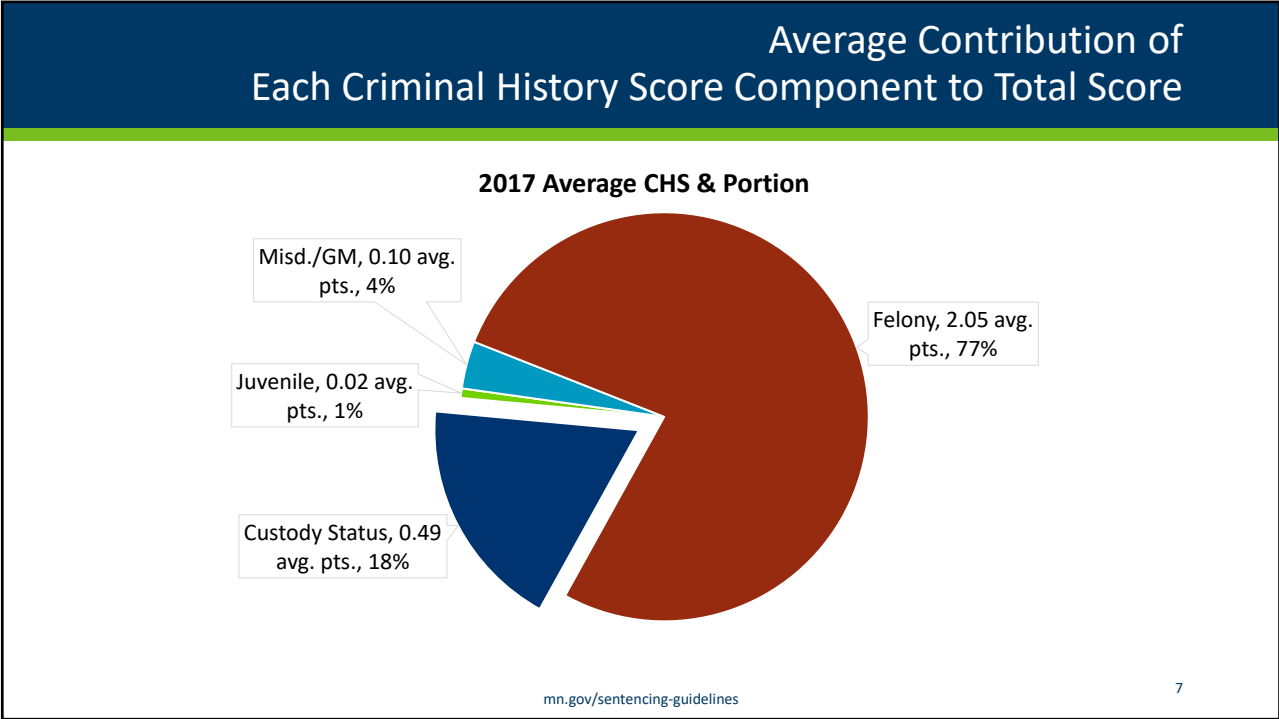
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Presumptive Prison Reasons: Guidelines Years 2014–2018



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“Custody Status at the Time of the Offense”

For a custody status point to be applied, all three conditions must be met.

Custody Status Types	After ...	Eligible Offenses
Probation	Guilty plea, Guilty verdict, Conviction	Felony
Parole		Extended jurisdiction juvenile (EJJ) conviction
Supervised release		Non-traffic gross misdemeanor
Conditional release following release from an executed prison sentence		Gross misdemeanor DWI, refusal to submit to chemical test, or reckless driving
Release pending sentencing		Targeted misdemeanors (<i>DWI, domestic & 5th degree assaults, violations of OFF/HRO/DANCO, interference with privacy, indecent exposure</i>)
Confinement in a jail, workhouse, or prison pending or after sentencing		

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Different Weights of Custody Status

No Custody Assigned	One-Half Point	One Point	Two Points	3-mo. Custody Enhancement
Committed for treatment/examination under Minn. R. Crim. P. 20	On custody for a felony or EJJ and the severity level of the custody felony/EJJ was less than or equal to SL 2/D2	On custody for a felony or EJJ and the severity level of the custody felony/EJJ was greater than SL 2/D2	Sex Offender Grid offense (excluding FRPO); AND meets qualifications for one custody status point for a Sex Offender Grid offense (excluding FRPO)	A custody status point is assigned, AND total CHS exceeds the maximum score on the grid (i.e., 7 or more)
Juvenile custody status other than EJJ	Custody status offense was a non-traffic GM, M/GM DWI, refusal to test, or reckless driving	On custody for a felony or EJJ and the custody felony/EJJ offense is found on the Sex Offender Grid		
Misd/GM DWI committed by 16 or 17 yrs. old, and DWI processed in adult court	Custody status offense was a targeted misdemeanor			

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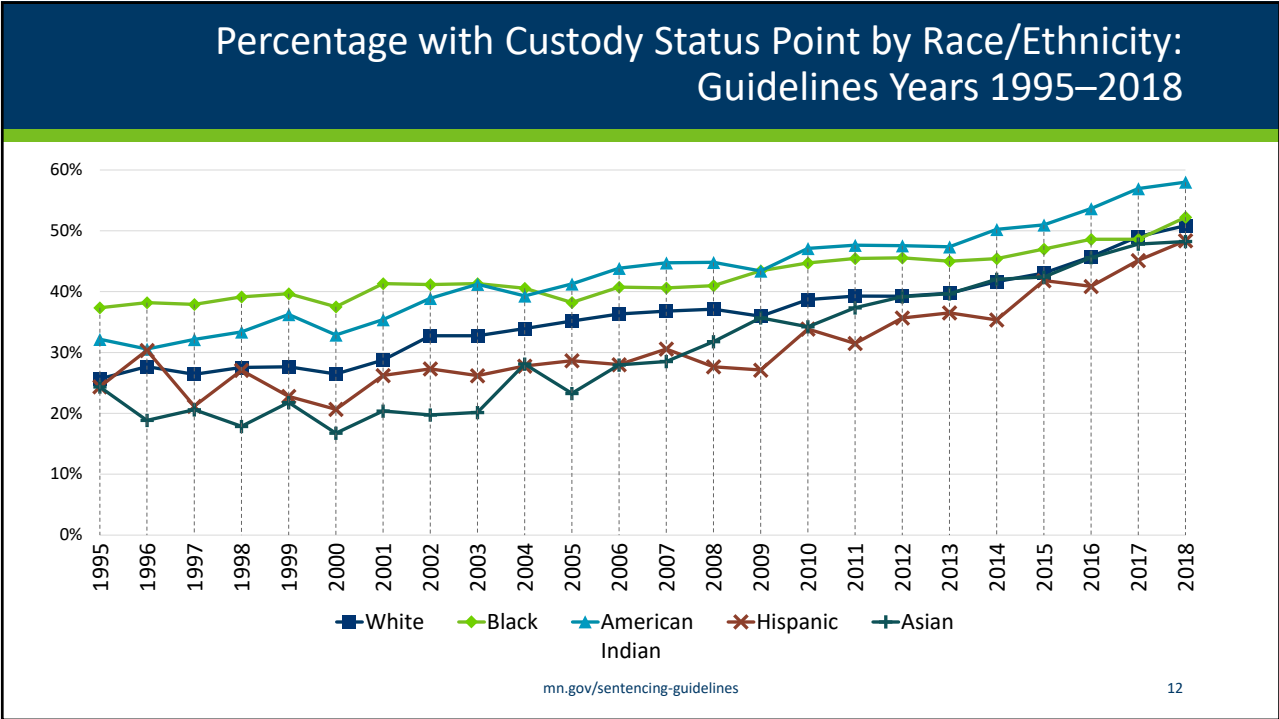
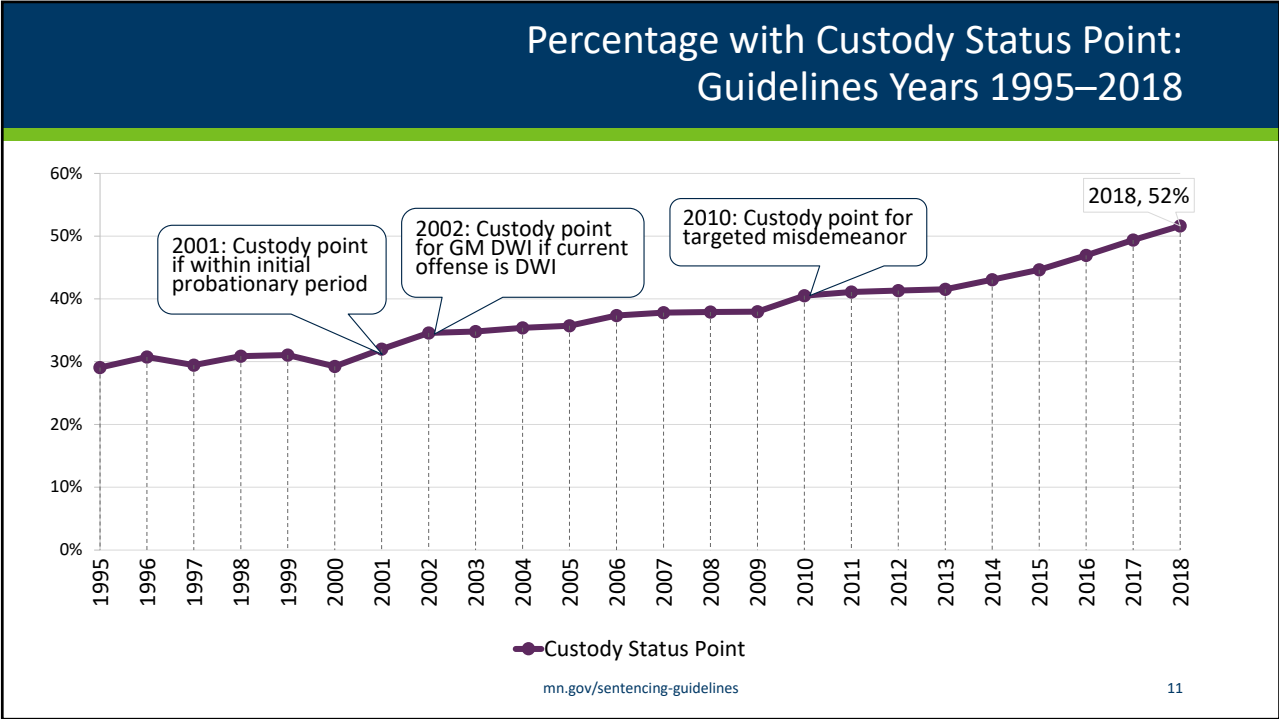
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Changes to Custody Status Point Policies Since 1995

- 1995 EJJ convictions became an eligible custody status type
- 1996 Supervised release (moved to policy) and conditional release become eligible custody status types
- 2001 Within initial probationary period becomes eligible custody status type
- 2002 Gross misdemeanor DWI becomes eligible custody status type if current offense is a DWI
- 2004 Point assigned if custody status applied at any point during an offense date range
- 2006 Gross misdemeanor DWI becomes eligible custody status type regardless of current offense
- 2010 Targeted misdemeanor convictions become eligible custody status type
- 2015 Gross misdemeanor reckless driving becomes eligible custody status type
- 2019 A one-half custody status point and waiver policy are implemented for less severe offenses. 2001 change is reversed. 152.18 stays of adjudication are no longer eligible custody statuses.

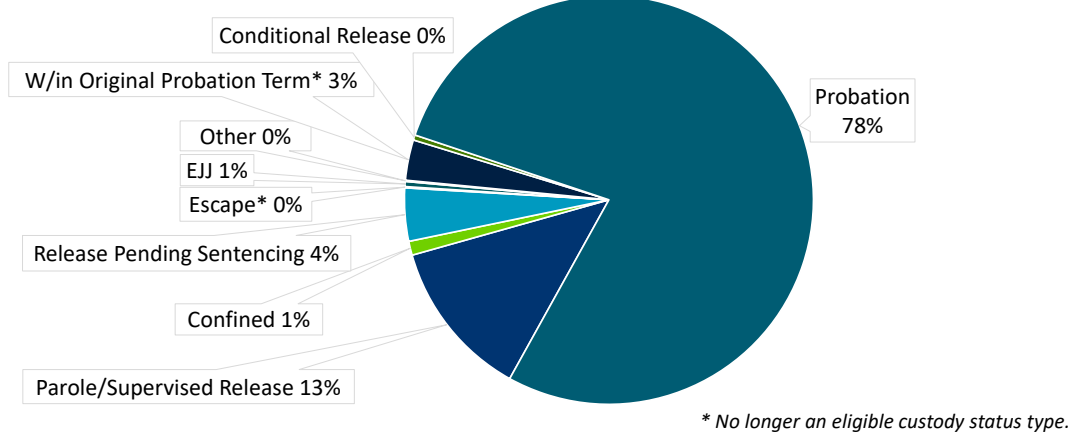
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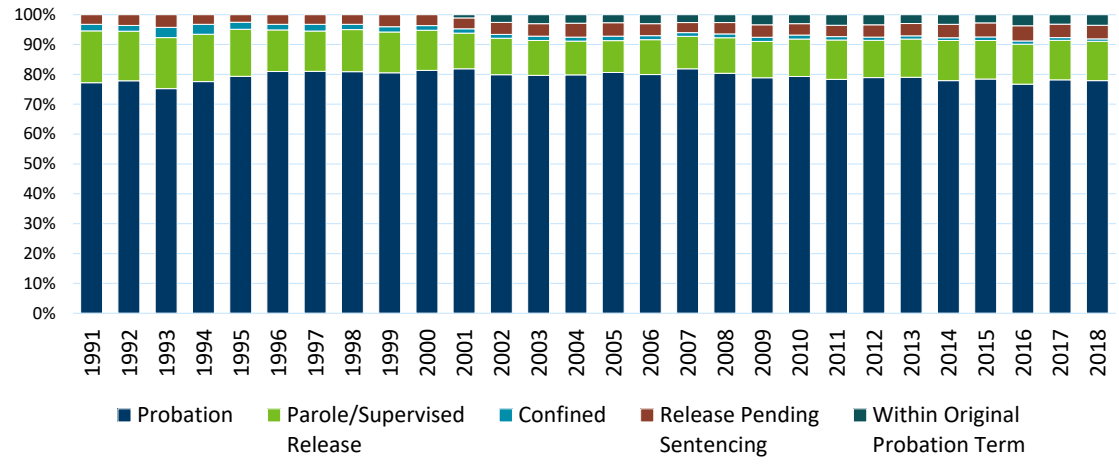
Custody Status Point Policy: Breakdown of Custody Status Type Assigned

Custody Status Type Assigned for Guidelines Years 2006–2018



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Distribution of Custody Status Types: Guidelines Years 1995–2018



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