

## Felony Violation of Domestic Assault No Contact Order: Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. Persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

### VIOLATE DOMESTIC ABUSE NO CONTACT ORDER (DANCO)

#### Analysis:

- Sentenced 2020-2024
- Violation of Domestic Abuse No Contact Order (DANCO) under Minn. Stat. § 629.75, subd. 2(d)(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 2,795 people were sentenced for a felony DANCO violation – 1,557 (56%) people had a presumptive stayed disposition and 1,238 (44%) had a presumptive disposition of commit. Of the 1,238 cases that were presumptive commits, 469 (38%) received a mitigated dispositional departure. Of the 1,557 people who were presumptive stays, four received an aggravated dispositional departure. In total, 820 people received prison.<sup>1</sup> Of the 820 people who received prison, 205 (25%) received a mitigated durational departure and 9 (1%) received an aggravated durational departure. 109 (4%) of all cases received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 820 people who received prison was 24 months.

**Table 1. Sentencing Information for DANCO: Sentenced 2020-2024**

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	357	357	0	---	---	2	0	0	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
1	309	309	0	---	---	2	0	0	15.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
2	418	418	0	---	---	7	1	6	16.4 months
	100.0%	100.0%	0.0%	---	---	50.0%	7.1%	42.9%	
3	473	473	0	---	---	24	1	12	19.6 months
	100.0%	100.0%	0.0%	---	---	64.9%	2.7%	32.4%	
4	400	0	400	216	184	161	1	50	21.0 months
	100.0%	0.0%	100.0%	54.0%	46.0%	75.9%	0.5%	23.6%	
5	309	0	309	173	136	113	0	60	22.5 months
	100.0%	0.0%	100.0%	56.0%	44.0%	65.3%	0.0%	34.7%	
6+	529	0	529	380	149	297	6	77	27.8 months
	100.0%	0.0%	100.0%	71.8%	28.2%	78.2%	1.6%	20.3%	
Total	2,795	1,557	1,238	769	469	606	9	205	24.3 months
	100.0%	55.7%	44.3%	62.1%	37.9%	73.9%	1.1%	25.0%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 66% of cases, objected in 13% of cases, and in 21% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility, and offense less onerous than usual. The prosecutor agreed to/recommended/did not object to the departure in 79% of cases, objected in 5% of cases, and in 16% of cases the position of the prosecutor was unknown.

<sup>1</sup>51 people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 820.