

Domestic Assault by Strangulation: 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.

DOMESTIC ASSAULT BY STRANGULATION

Analysis:

- Sentenced 2020-2024
- Felony Domestic Assault by Strangulation under Minn. Stat. § 609.2247
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 966 people were sentenced for domestic assault by strangulation – 858 (89%) had a presumptive stayed disposition and 108 (11%) had a presumptive disposition of commit. Of the 108 people who were presumptive commits, 50 (46%) received a mitigated dispositional departure. One person received an aggravated dispositional departure. In total, 73 people received prison.¹ Of the 73 people who received prison, 17 (23%) received a mitigated durational departure and 3 (4%) received an aggravated durational departure. 18 percent (170 cases) of all cases received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 73 cases that received prison was 23.2 months.

Table 1. Sentencing Information for Domestic Assault by Strangulation, 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	549	549	0	---	---	2	1	0	14.7 months
	100.0%	100.0%	0.0%	---	---	66.7%	33.3%	0.0%	
1	140	140	0	---	---	1	1	0	16.0 months
	100.0%	100.0%	0.0%	---	---	50.0%	50.0%	0.0%	
2	102	102	0	---	---	4	1	0	18.6 months
	100.0%	100.0%	0.0%	---	---	80.0%	20.0%	0.0%	
3	67	67	0	---	---	4	0	1	18.4 months
	100.0%	100.0%	0.0%	---	---	80.0%	0.0%	20.0%	
4	38	0	38	16	22	10	0	6	20.6 months
	100.0%	0.0%	100.0%	42.1%	57.9%	62.5%	0.0%	37.5%	
5	26	0	26	14	12	10	0	4	23.7 months
	100.0%	0.0%	100.0%	53.8%	46.2%	71.4%	0.0%	28.6%	
6+	44	0	44	28	16	22	0	6	27.6 months
	100.0%	0.0%	100.0%	63.6%	36.4%	78.6%	0.0%	21.4%	
Total	966	858	108	58	50	53	3	17	23.2 months
	100.0%	88.8%	11.2%	53.7%	46.3%	72.6%	4.1%	23.3%	

The most common reasons cited for mitigated dispositional departures were victim recommendation/acquiescence victim's family, amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 68% of cases, objected in 10% of cases, and in 22% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were offense less onerous, victim recommendation/acquiescence victim's family, prevent trauma to victim from testifying, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 94% of cases and in one case the position of the prosecutor was unknown.

¹14 people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 73.