

**FOLLOW-UP TO DEPARTURE  
DISCUSSION FROM NOVEMBER 2012  
COMMISSION MEETING**

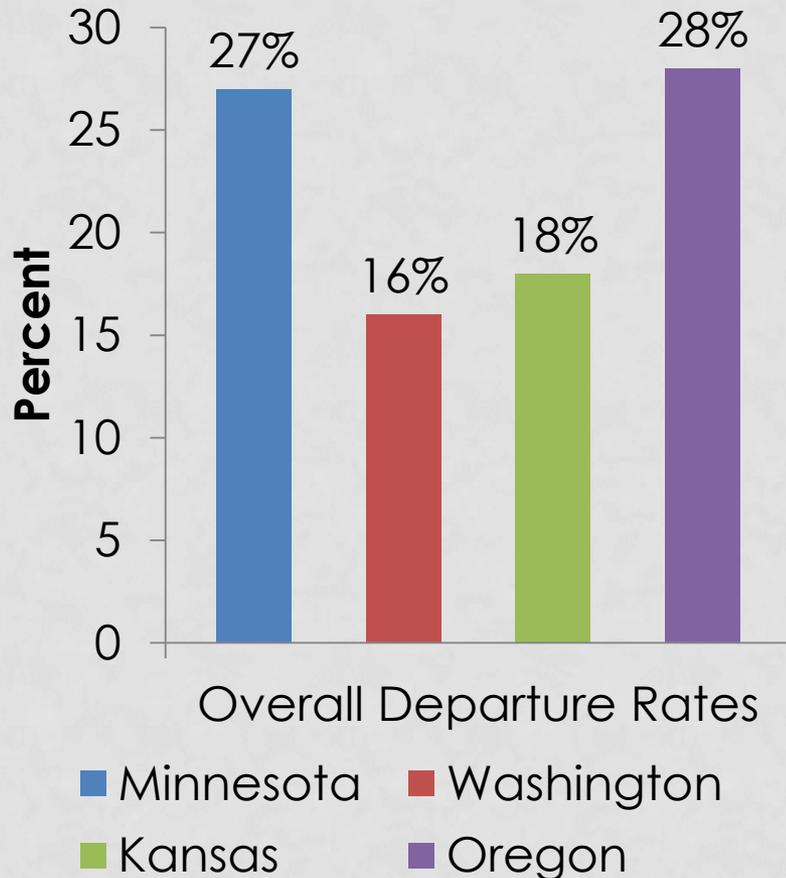
**MINNESOTA SENTENCING GUIDELINES  
COMMISSION MEETING**

February 21, 2013

# **HOW DOES THE OVERALL DEPARTURE RATE IN MN COMPARE TO OTHER STATES?**

**COMPARING MN TO OTHER STATES**

# OVERALL DEPARTURE RATES: MN, WA, KS, OR



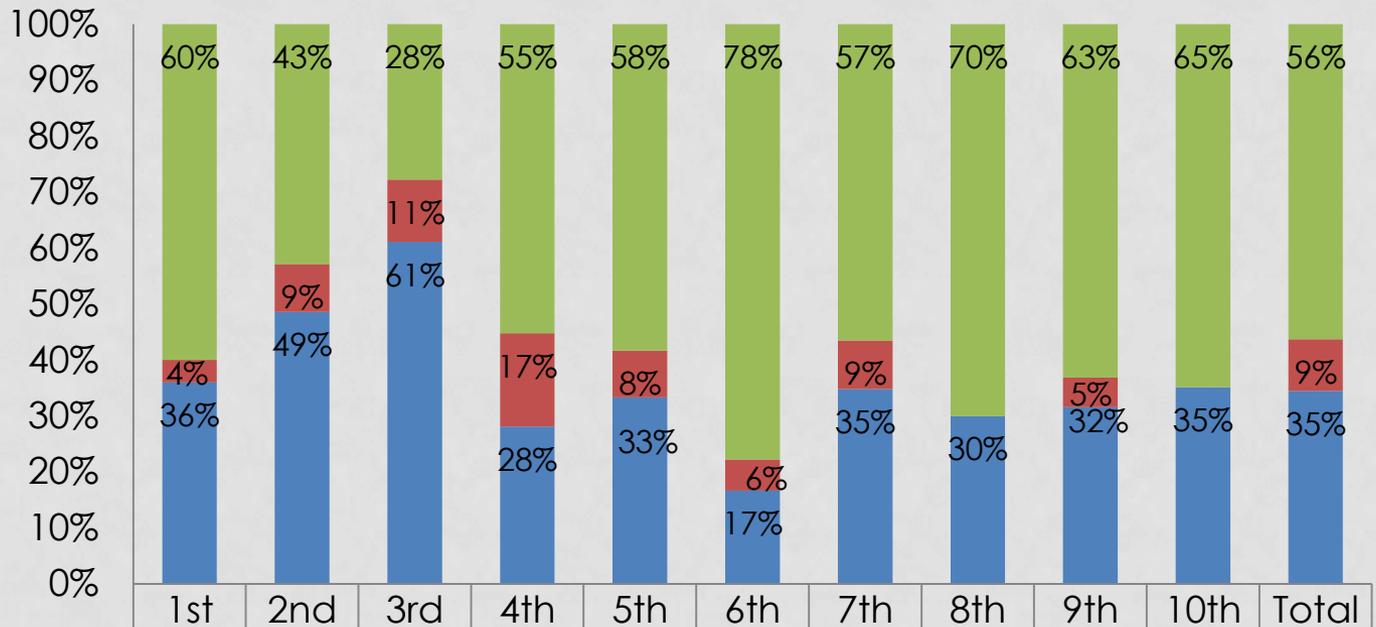
Sentencing guidelines vary greatly from state to state, the following states are most comparable because, in each state:

- The court is required to pronounce a recommended sentence;
- Departures are allowable only if substantial and compelling reasons exist; and
- A departure is subject to appeal.

# HOW DO DEPARTURE RATES COMPARE ACROSS MN?

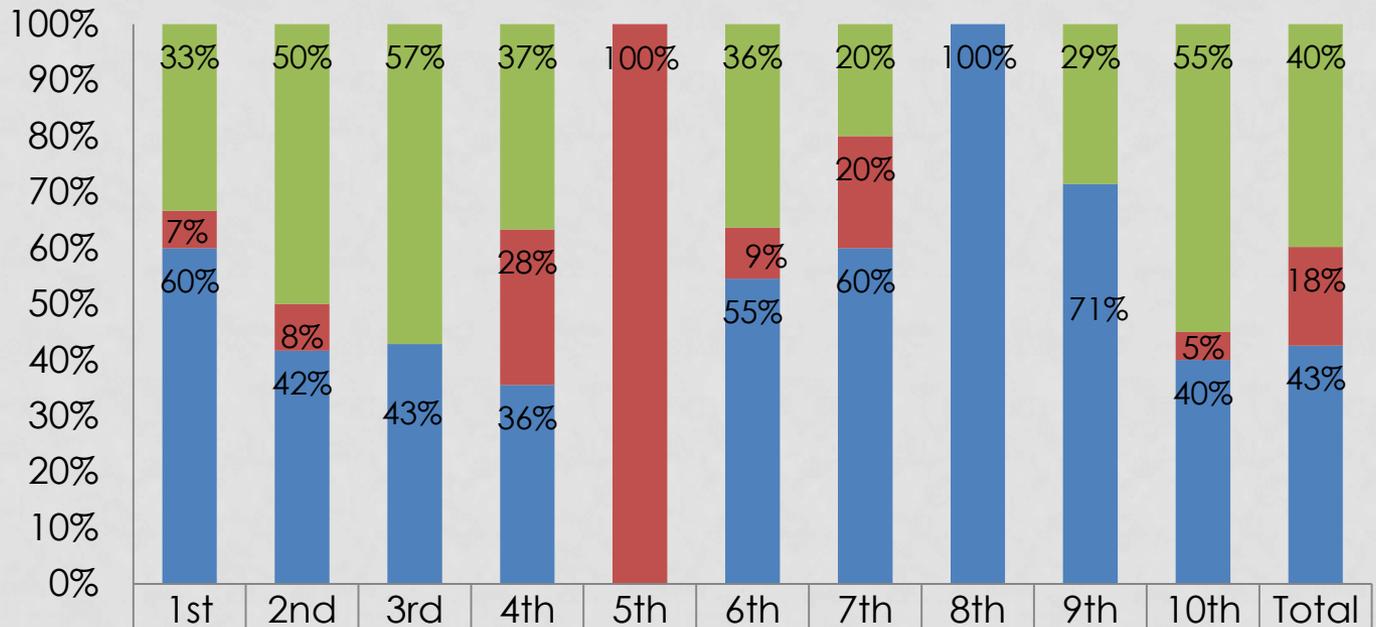
## COMPARING HIGH DEPARTURE-RATE OFFENSES

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: SECOND-DEGREE ASSAULT SENTENCED 2011



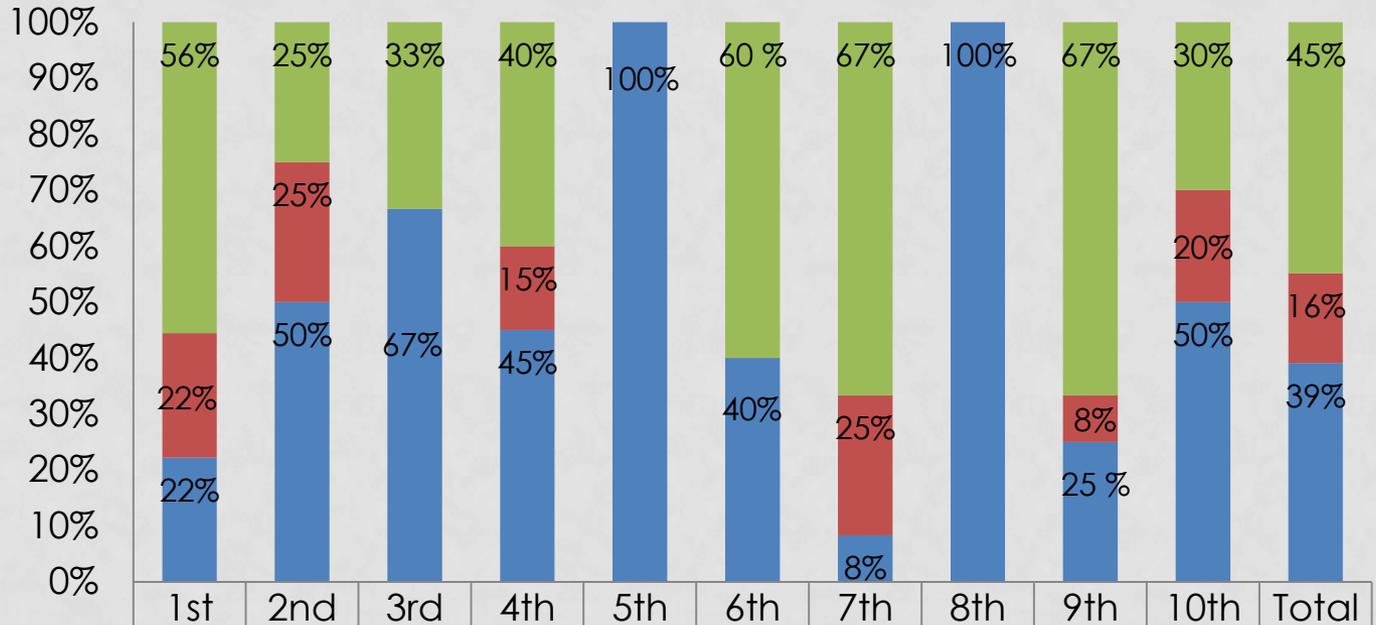
■ Mitigated Disposition	15	15	5	53	7	14	13	7	12	24	165
■ Presumptive Prison (Less Prison Time)	1	3	2	16	1	1	2	0	1	0	27
■ Presumptive Prison (Presumptive Time)	9	17	11	27	4	3	8	3	6	13	101

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: FIRST-DEGREE AGGRAVATED ROBBERY SENTENCED 2011



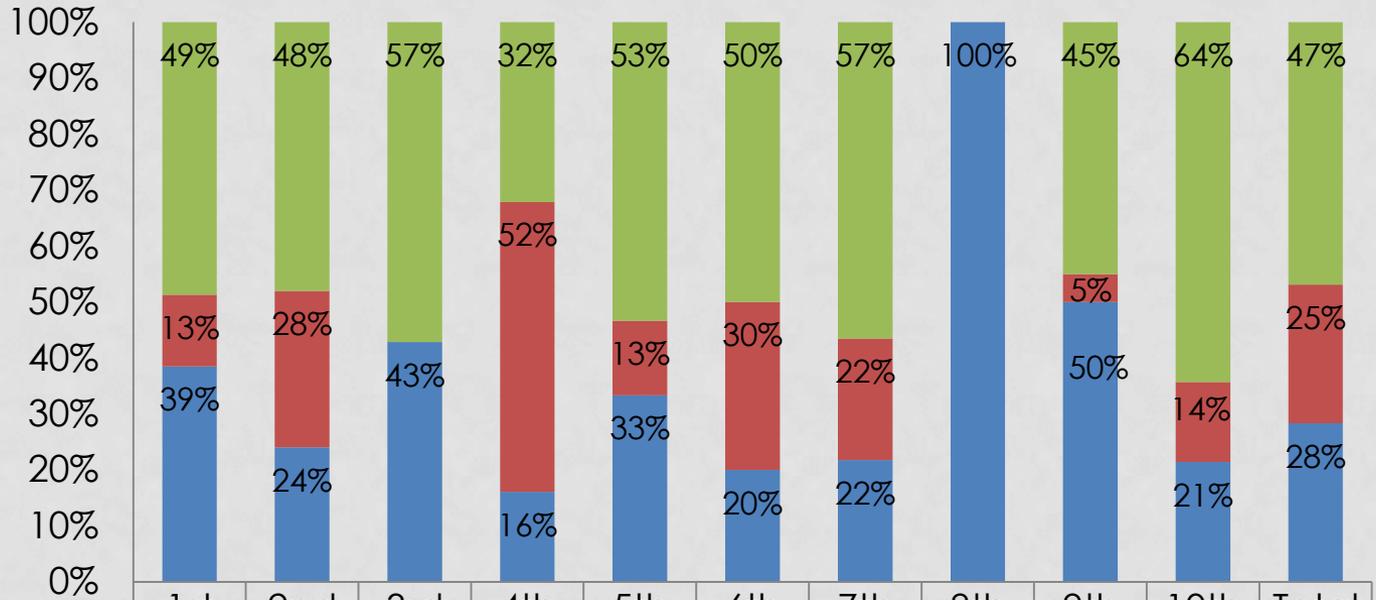
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
■ Mitigated Disposition	5	12	4	33	0	4	1	0	2	11	72
■ Presumptive Prison (Less Prison Time)	1	2	0	25	1	1	1	0	0	1	32
■ Presumptive Prison (Presumptive Time)	9	10	3	32	0	6	3	1	5	8	77

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: FIRST-DEGREE BURGLARY WITH WEAPON OR ASSAULT SENTENCED 2011



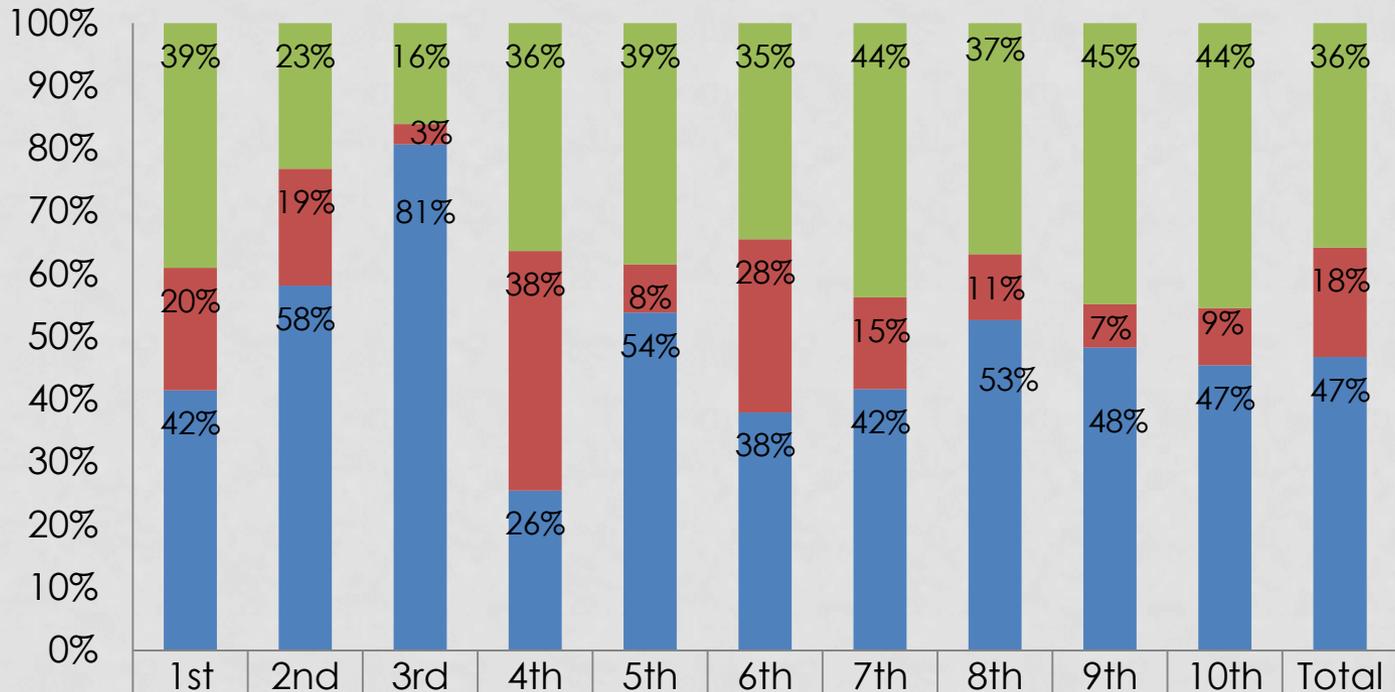
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
■ Mitigated Disposition	5	3	1	8	0	3	8	0	8	3	39
■ Presumptive Prison (Less Prison Time)	2	3	0	3	0	0	3	0	1	2	14
■ Presumptive Prison (Presumptive Time)	2	6	2	9	2	2	1	2	3	5	34

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: FIRST-DEGREE DRUG OFFENDERS SENTENCED 2011



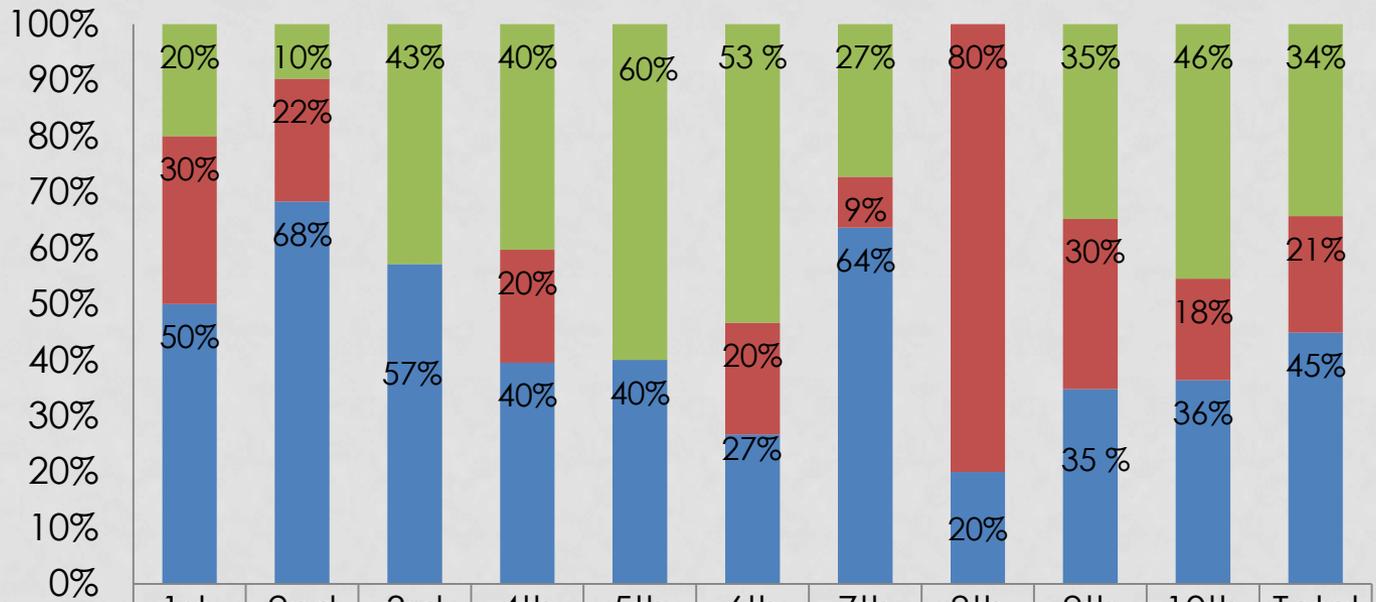
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
■ Mitigated Disposition	19	12	4	18	8	5	13	0	9	18	106
■ Presumptive Prison (Less Prison Time)	5	7	0	29	2	3	5	0	1	4	56
■ Presumptive Prison (Presumptive Time)	15	6	3	9	5	2	5	3	10	6	64

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: SECOND-DEGREE DRUG OFFENDERS SENTENCED 2011



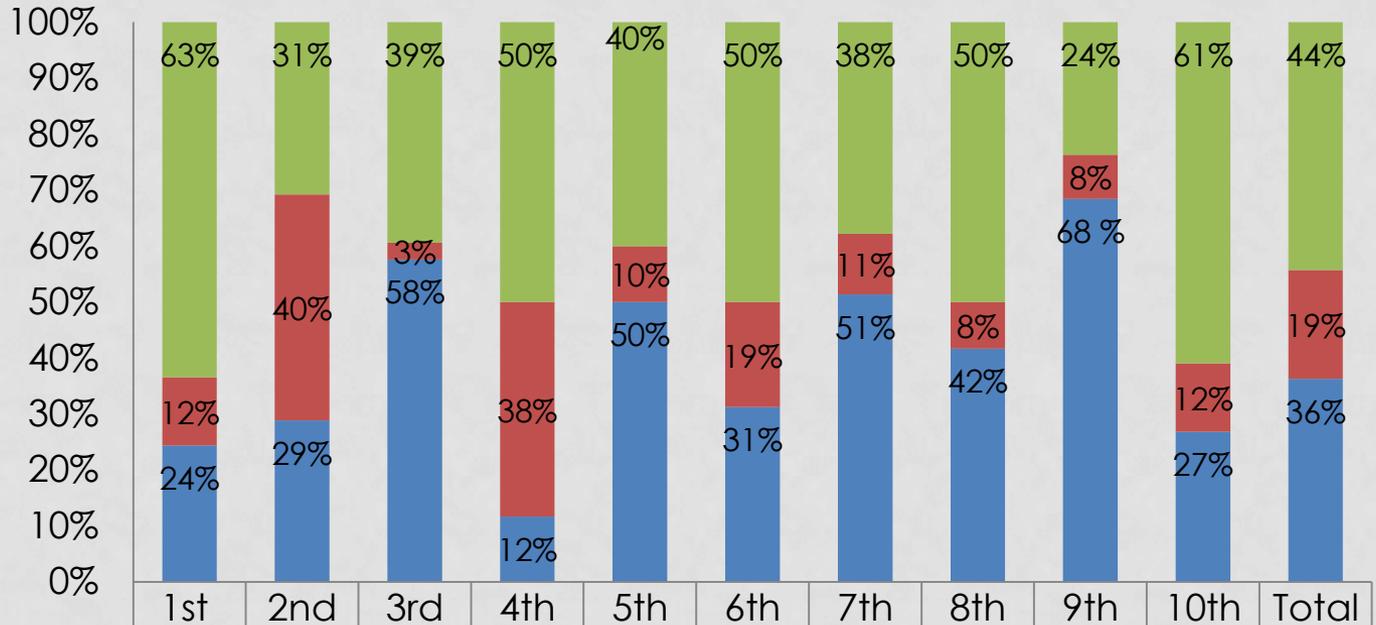
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
Mitigated Disposition	16	10	5	20	10	10	21	7	13	15	127
Presumptive Prison (Less Prison Time)	8	8	1	21	2	8	7	2	2	3	62
Presumptive Prison (Presumptive Time)	17	25	25	14	14	11	20	10	14	15	166

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: INELIGIBLE FELON-POSSESSION FIREARM SENTENCED 2011



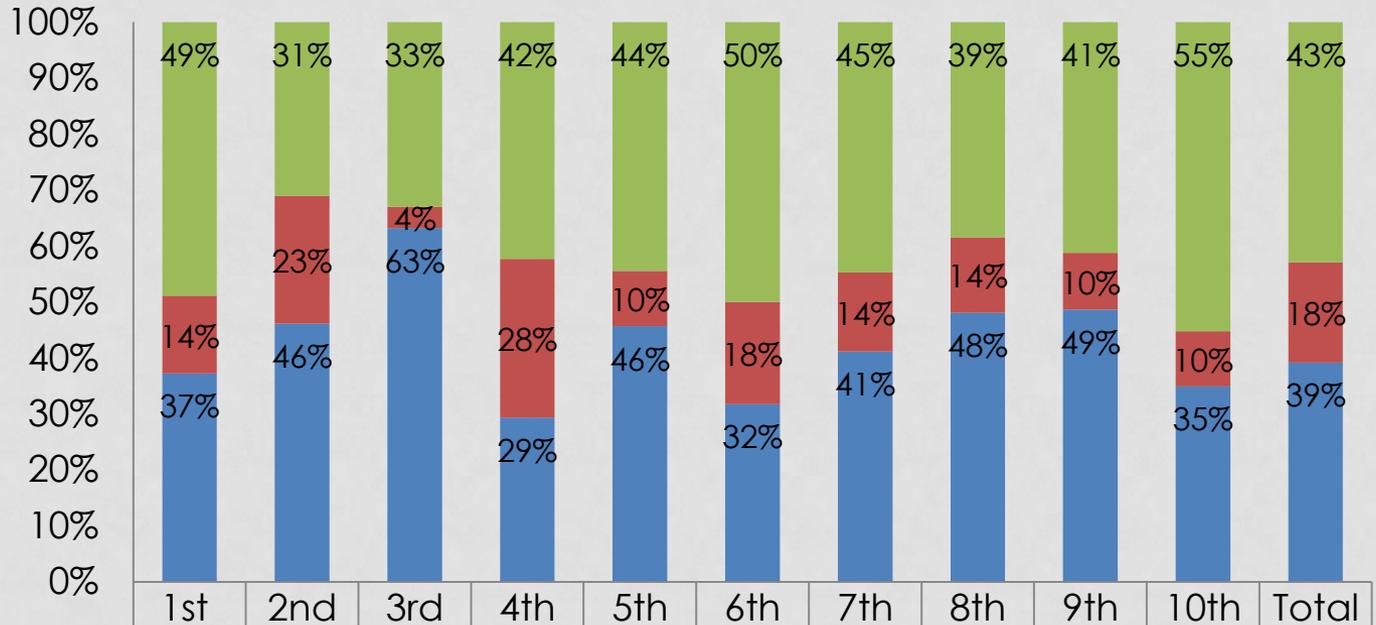
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
Mitigated Disposition	2	4	3	50	3	8	6	0	8	10	94
Presumptive Prison (Less Prison Time)	3	9	0	25	0	3	2	4	7	4	57
Presumptive Prison (Presumptive Time)	5	28	4	49	2	4	14	1	8	8	123

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: FAILURE TO REGISTER AS A PREDATORY OFFENDER SENTENCED 2011



■ Mitigated Disposition	26	16	13	30	8	8	14	6	9	25	155
■ Presumptive Prison (Less Prison Time)	5	21	1	23	2	3	4	1	3	5	68
■ Presumptive Prison (Presumptive Time)	10	15	19	7	10	5	19	5	26	11	127

# DEPARTURE RATES BY JUDICIAL DISTRICT AND STATEWIDE: HIGH DEPARTURE-RATE OFFENSES SENTENCED 2011



■ Mitigated Disposition	88	72	35	212	36	52	76	20	61	106	758
■ Presumptive Prison (Less Prison Time)	25	53	4	142	8	19	24	7	15	19	316
■ Presumptive Prison (Presumptive Time)	67	107	67	147	37	33	70	25	72	67	692

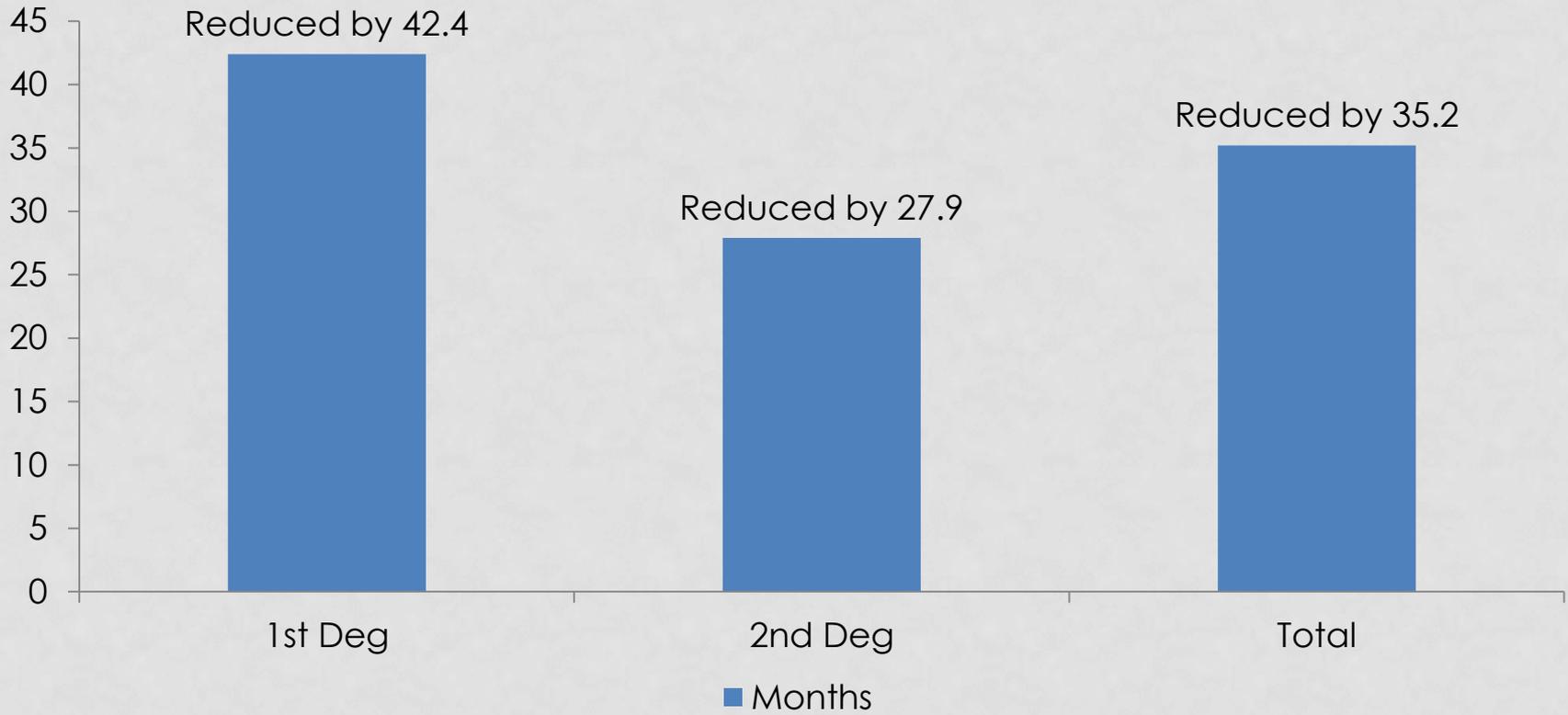
# QUESTIONS ABOUT CONTROLLED SUBSTANCE OFFENSES

WHEN MITIGATED DURATIONAL DEPARTURES ARE GIVEN,  
WHAT IS THE AVERAGE REDUCTION IN MONTHS?  
DOES IT VARY BY JUDICIAL DISTRICT?

FIRST- AND SECOND-DEGREE CONTROLLED SUBSTANCES

# AVERAGE SENTENCE REDUCTION IN MONTHS FIRST- AND SECOND-DEGREE DRUG OFFENDERS (2009-2011 COMBINED DATA)

## Reduced by (Months)



# AVERAGE SENTENCE REDUCTION BY JUDICIAL DISTRICT FIRST-DEGREE DRUG OFFENDERS (2009-2011 COMBINED DATA)

## Reduced by (Months)



# AVERAGE SENTENCE REDUCTION BY JUDICIAL DISTRICT SECOND-DEGREE DRUG OFFENDERS (2009-2011 COMBINED DATA)

## Reduced by (Months)

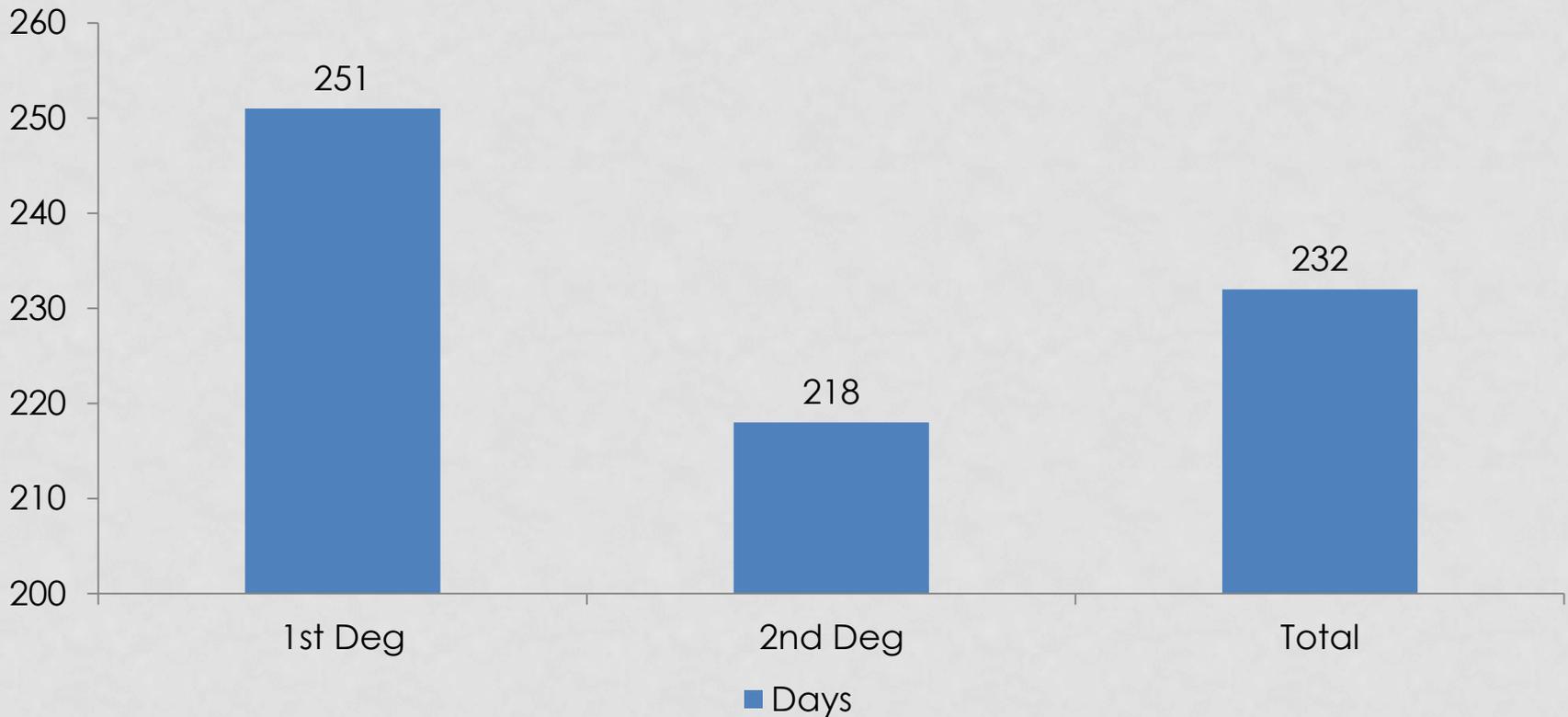


HOW MUCH JAIL AND PROBATION TIME  
IS ORDERED FOR STAYED SENTENCES?  
DOES IT VARY BY JUDICIAL DISTRICT?

FIRST- AND SECOND-DEGREE CONTROLLED SUBSTANCES

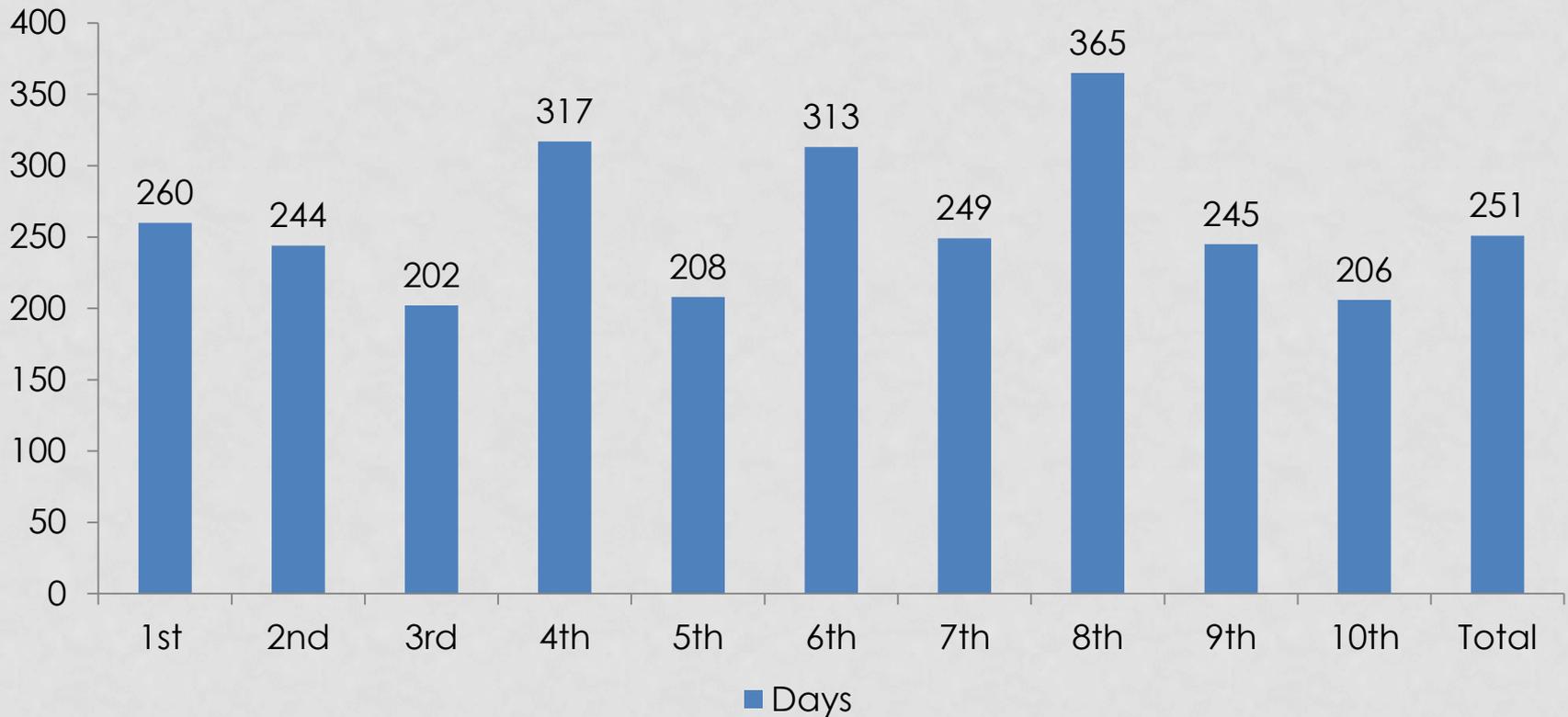
# AVERAGE PRONOUNCED CONDITIONAL CONFINEMENT: FIRST- AND SECOND-DEGREE DRUG OFFENDERS (2009-2011 COMBINED DATA)

## Conditional Confinement (Days)



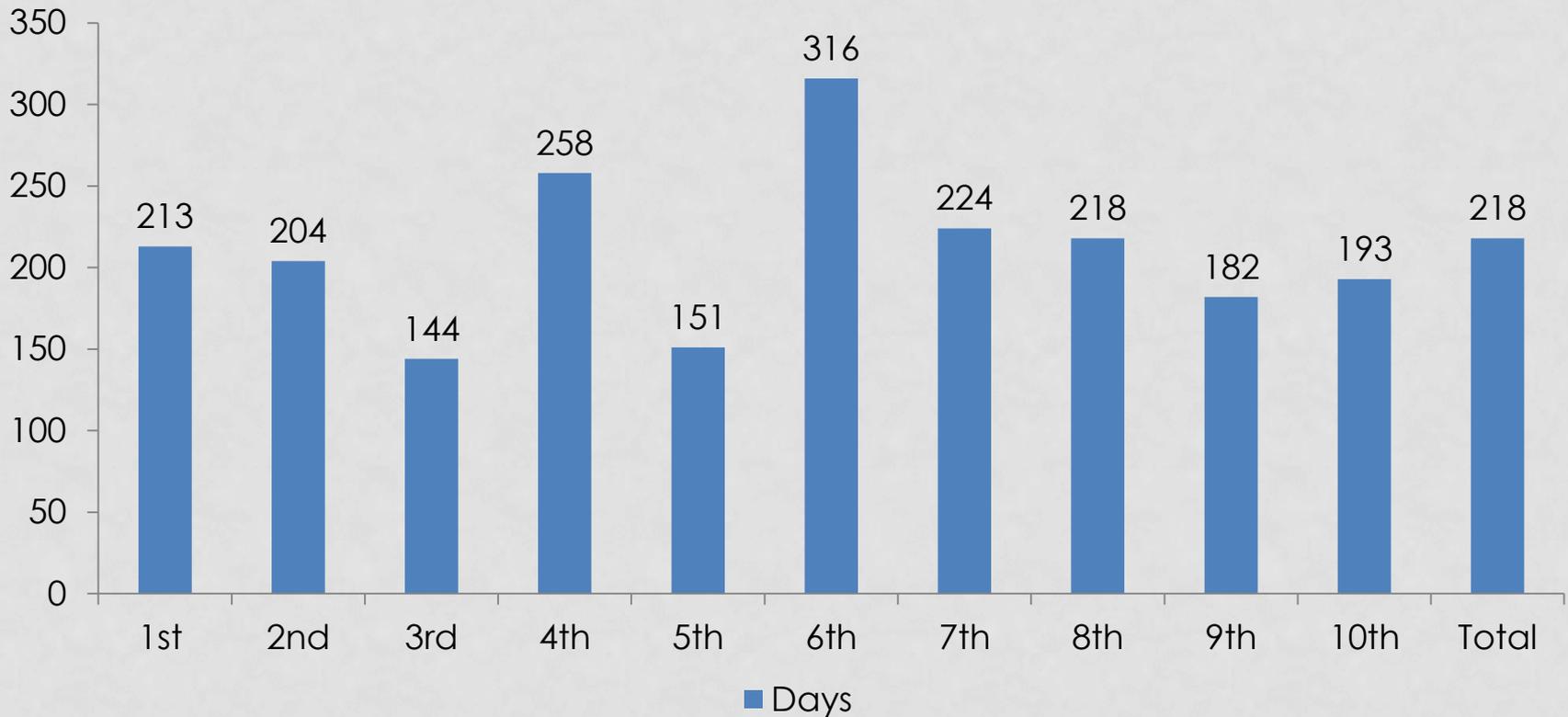
**AVERAGE PRONOUNCED CONDITIONAL CONFINEMENT BY  
JUDICIAL DISTRICT:  
FIRST- DEGREE DRUG OFFENDERS  
(2009-2011 COMBINED DATA)**

**Conditional Confinement (Days)**



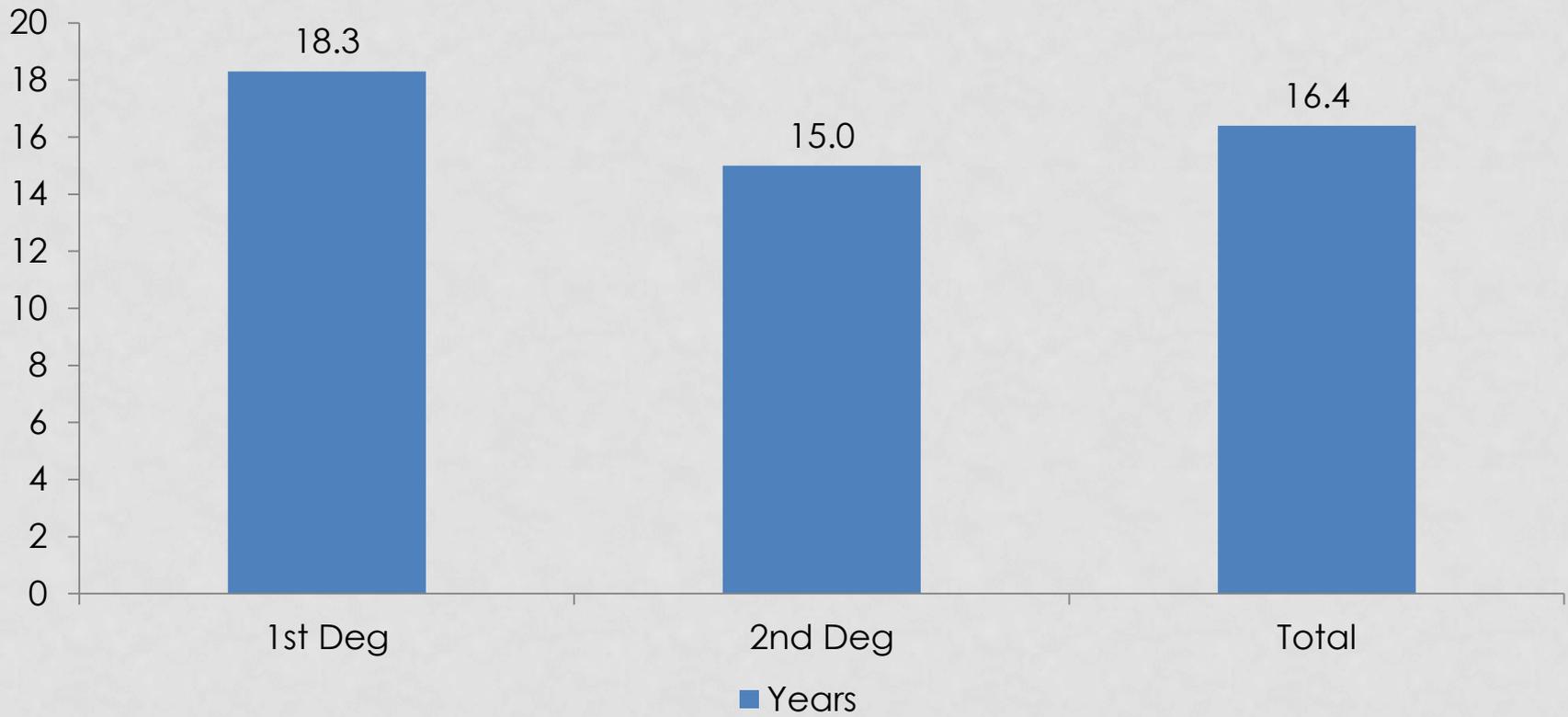
**AVERAGE PRONOUNCED CONDITIONAL CONFINEMENT BY  
JUDICIAL DISTRICT:  
SECOND-DEGREE DRUG OFFENDERS  
(2009-2011 COMBINED DATA)**

**Conditional Confinement (Days)**



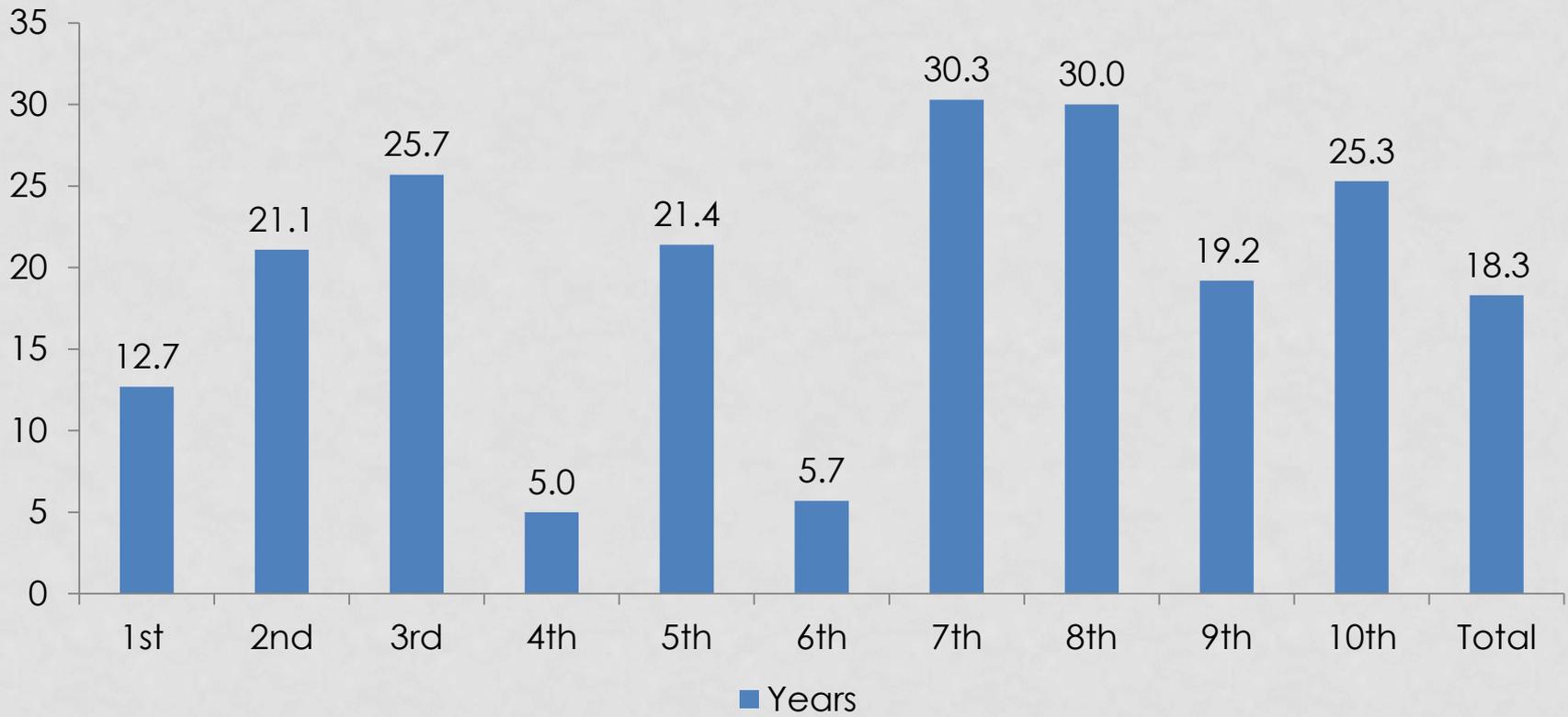
**AVERAGE PRONOUNCED PROBATION TIME:  
FIRST- AND SECOND-DEGREE DRUG OFFENDERS  
(2009-2011 COMBINED DATA)**

**Probation Time (Years)**



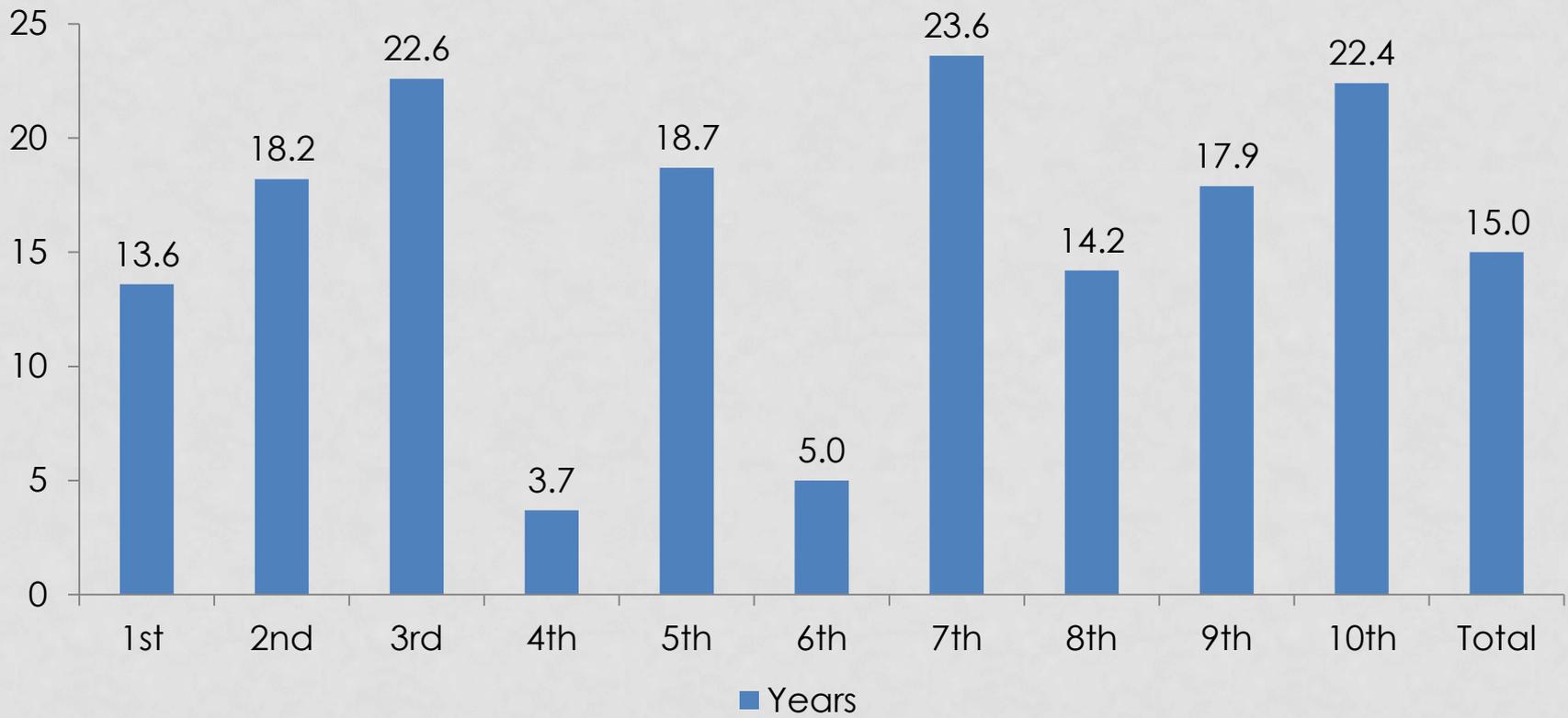
# AVERAGE PRONOUNCED PROBATION TIME BY JUDICIAL DISTRICT FIRST-DEGREE OFFENDERS (2009-2011 COMBINED DATA)

## Probation Time (Years)



# AVERAGE PRONOUNCED PROBATION TIME BY JUDICIAL DISTRICT SECOND-DEGREE OFFENDERS (2009-2011 COMBINED DATA)

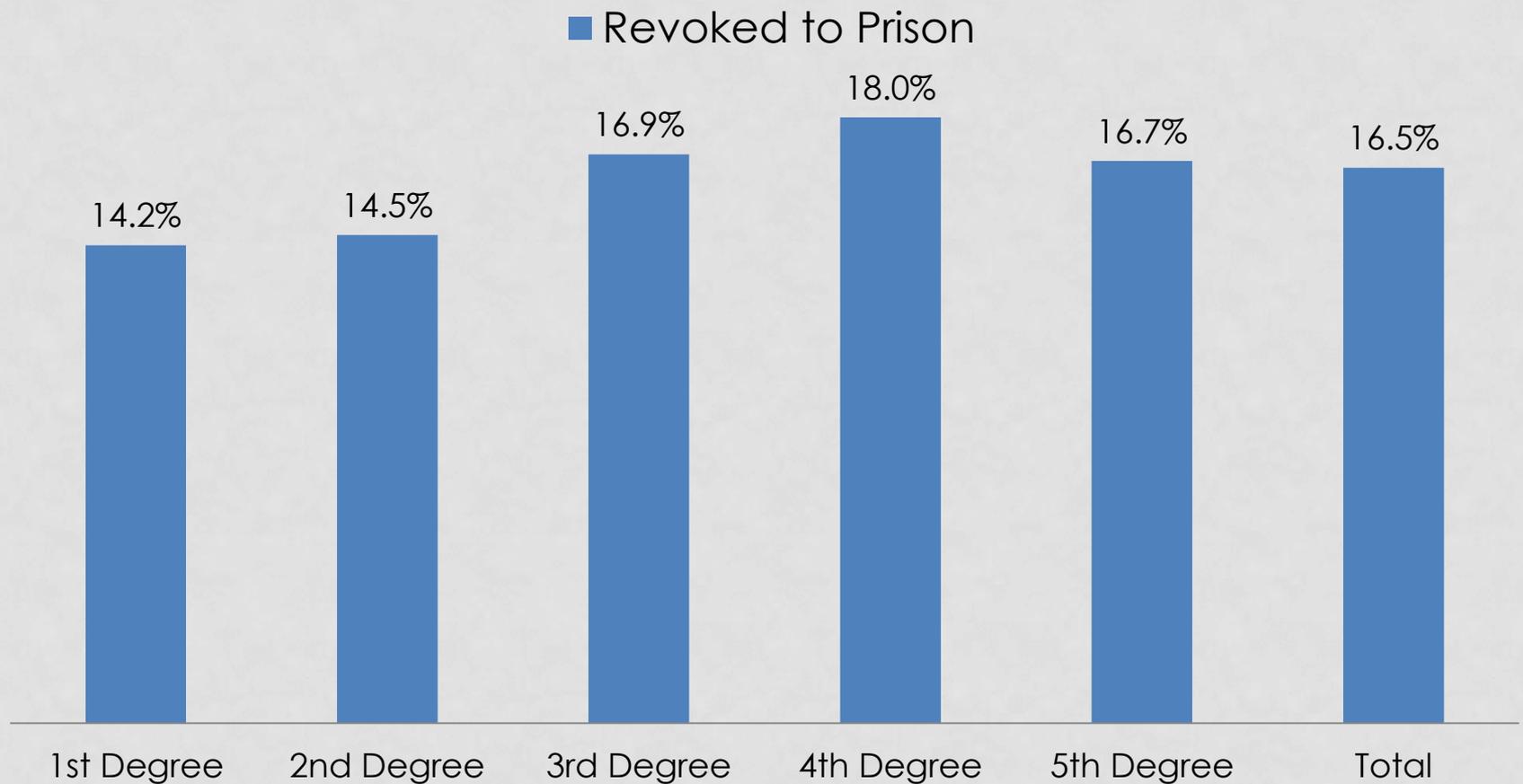
## Probation Time (Years)



HOW OFTEN DO DRUG OFFENDERS WHO ARE ON  
PROBATION GET REVOKED  
AND SENT TO PRISON?

FIRST- THROUGH FIFTH-DEGREE CONTROLLED SUBSTANCES

# PERCENT PROBATION REVOCATIONS BY DEGREE: DRUG OFFENDERS PLACED ON PROBATION 2001-2010 PERCENT REVOKED THROUGH 2011



# WHAT TYPE OF CRIMINAL HISTORY DOES THE AVERAGE DRUG OFFENDER HAVE?

FIRST- AND SECOND-DEGREE CONTROLLED SUBSTANCES

## PERCENT WITH PRIOR FELONIES BY OFFENSE TYPE: FIRST- AND SECOND-DEGREE DRUG OFFENDERS (2009-2011 COMBINED DATA)

