

Felony Violation of Order for Protection: 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 ORDER FOR PROTECTION (VOFP)

Analysis:

- Sentenced 2020-2024
- Violation of Order for Protection (VOFP) under Minn. Stat. § 518B.01, subd. 14(d)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 786 people were sentenced for a felony OFP violation – 442 (56%) people had a presumptive stayed disposition and 344 (44%) had a presumptive disposition of commit. Of the 344 people who were presumptive commits, 164 (48%) received a mitigated dispositional departure. No cases received an aggravated dispositional departure. In total, 193 people received prison.¹ Of the 193 people who received prison, 54 (28%) received a mitigated durational departure and one person received an aggravated durational departure. 48 (6%) received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 193 people who received prison was 23 months.

Table 1. Sentencing Information for Violation of Order for Protection, Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Agg.	Mit.	
0	134	134	0	---	---	1	0	0	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
1	72	72	0	---	---	2	0	0	15.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
2	94	94	0	---	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	---	
3	142	142	0	---	---	8	0	2	19.6 months
	100.0%	100.0%	0.0%	---	---	80.0%	0.0%	20.0%	
4	102	0	102	42	60	31	0	11	20.8 months
	100.0%	0.0%	100.0%	41.2%	58.8%	73.8%	0.0%	26.2%	
5	98	0	98	49	49	38	0	11	23.2 months
	100.0%	0.0%	100.0%	50.0%	50.0%	77.6%	0.0%	22.4%	
6+	144	0	144	89	55	58	1	30	25.5 months
	100.0%	0.0%	100.0%	61.8%	38.2%	65.2%	1.1%	33.7%	
Total	786	442	344	180	164	138	1	54	23.4 months
	100.0%	56.2%	43.8%	52.3%	47.7%	71.5%	0.5%	28.0%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, offense less onerous, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 72% of cases, objected to the departure in 11% of cases, and in 17% 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 69% of cases, objected to the departure in 9% of cases, and in 22% of cases the position of the prosecutor was unknown.

¹Thirteen people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 193.