



MINNESOTA

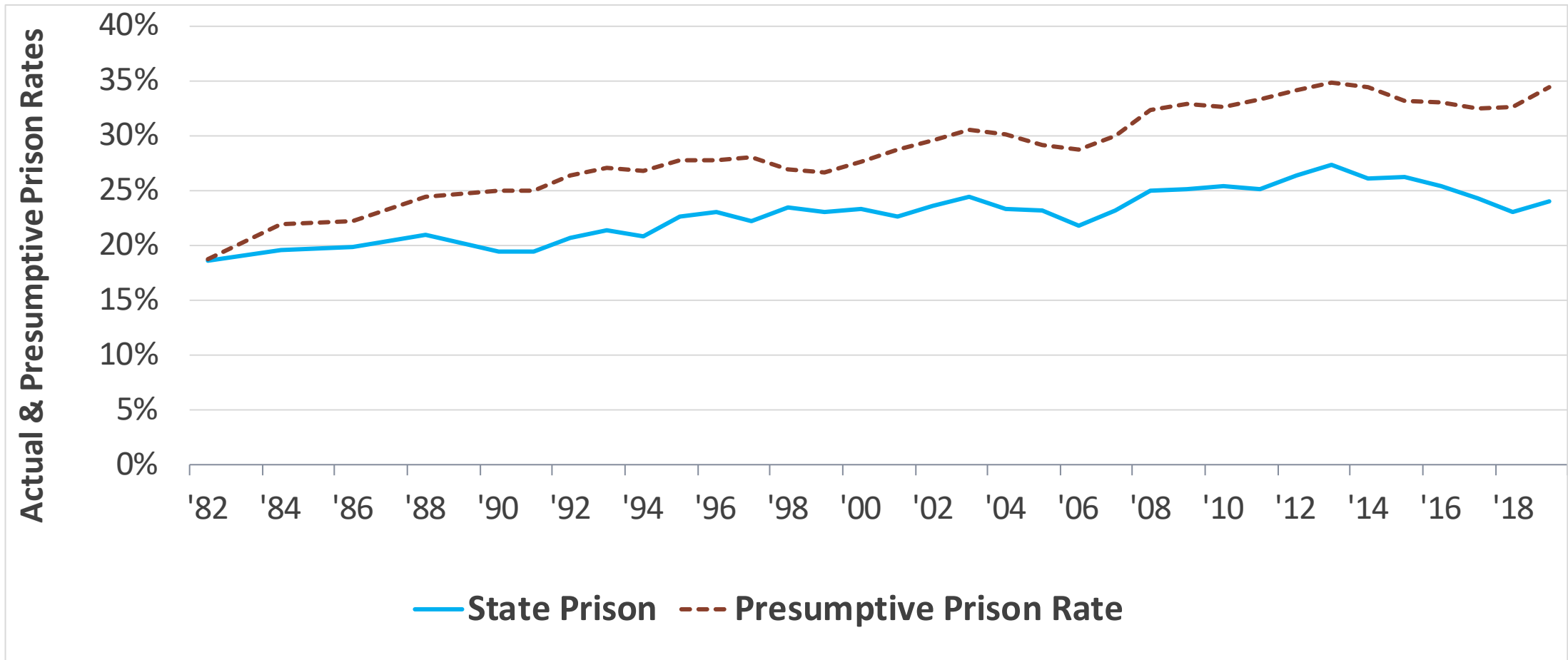
**SENTENCING GUIDELINES
COMMISSION**

A Closer Look at Sentencing Departures

MSGC Staff Presentation

April 8, 2021

Actual & Presumptive Prison Rates, 1982–2019



Areas of the Grid

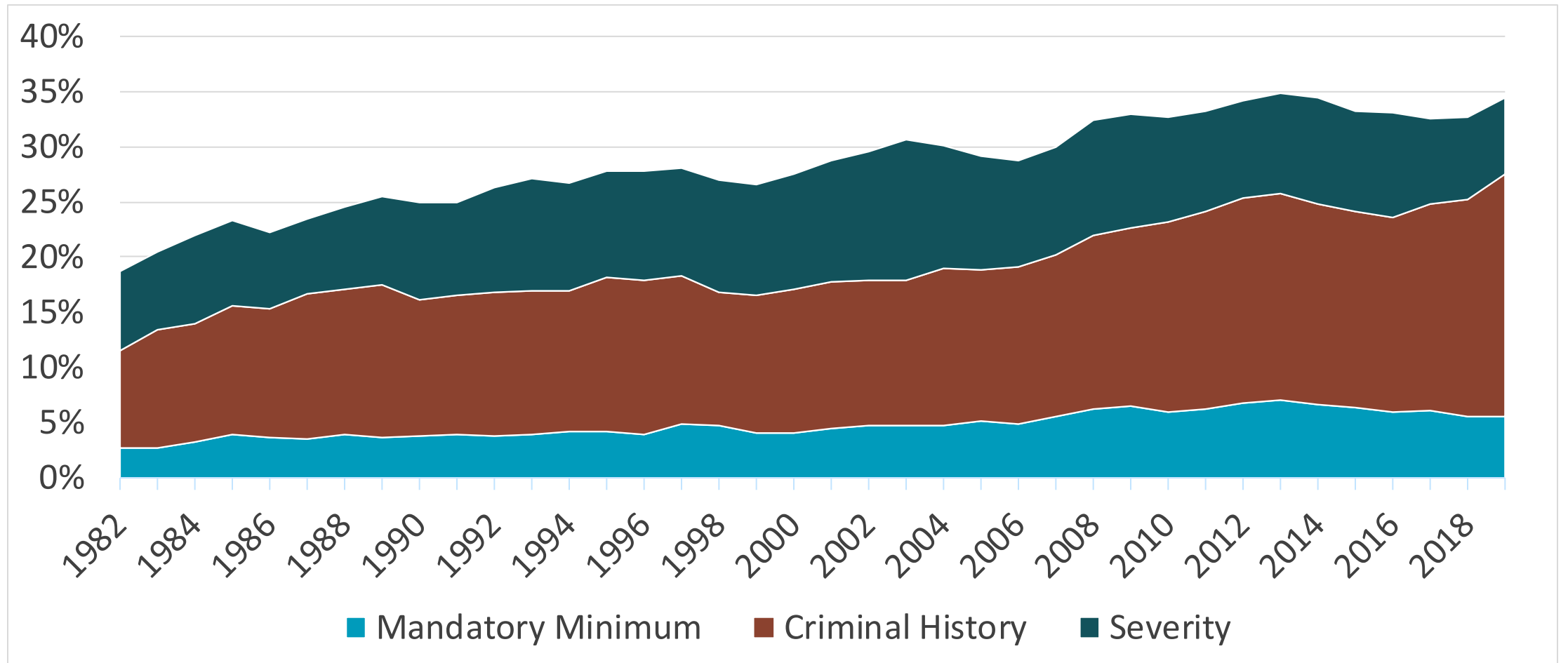
Reasons for presumptive commits may be thought of as varying depending on the area of the Grid –

- Mandatory minimum sentences (shaded cells)
- Severity level of the offense (above disposition line)
- Criminal history score (right of disposition line)

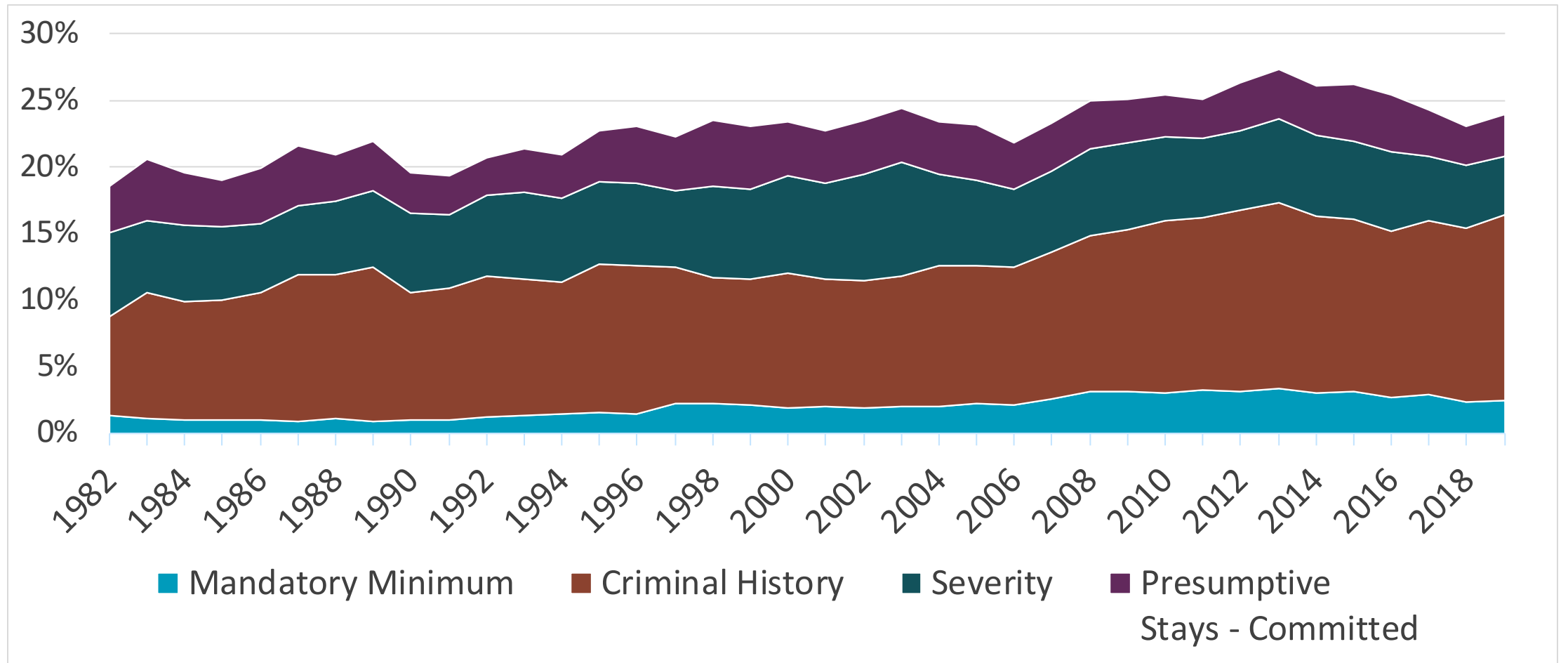


Credit: Richard Frase

Presumptive Prison Rates by Area of the Grid, 1982–2019



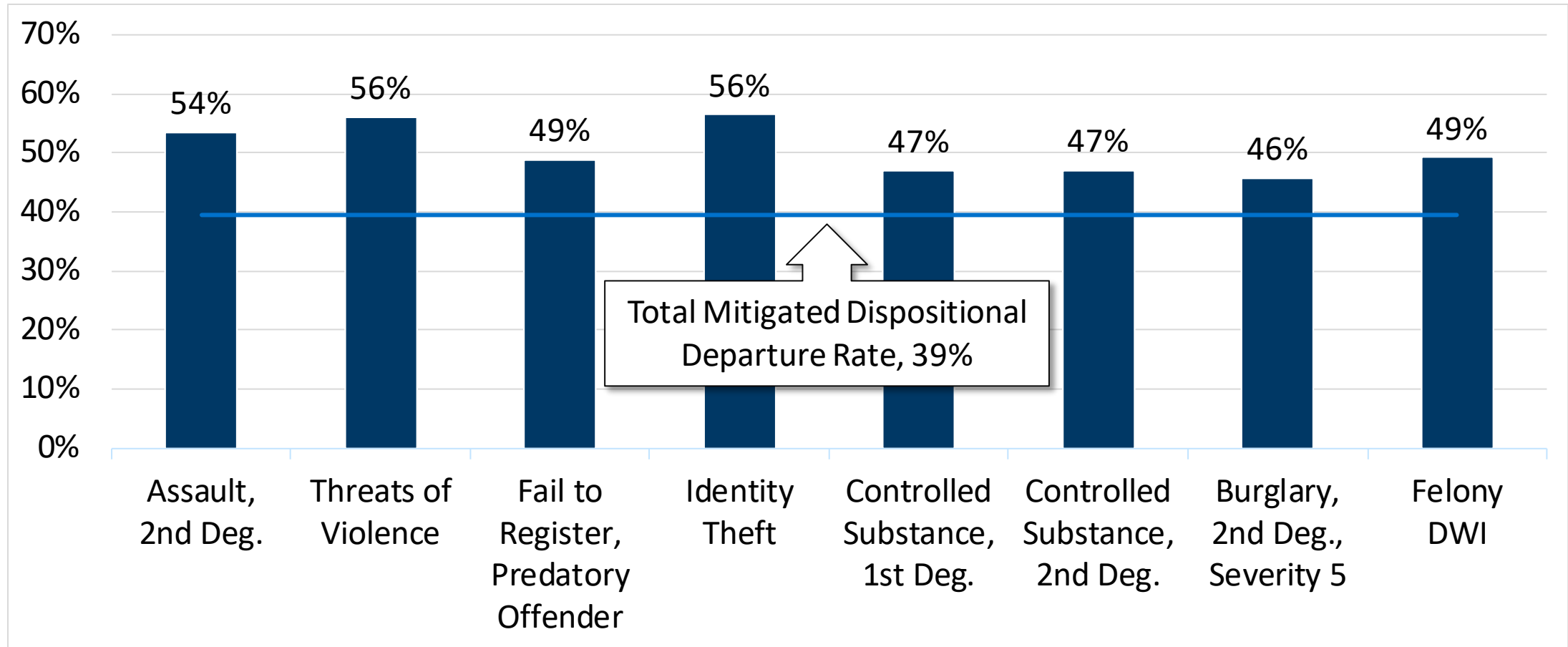
Actual Prison Rates by Area of the Grid, 1982–2019



A Closer Look at High Mitigated Dispositional Departure Rates

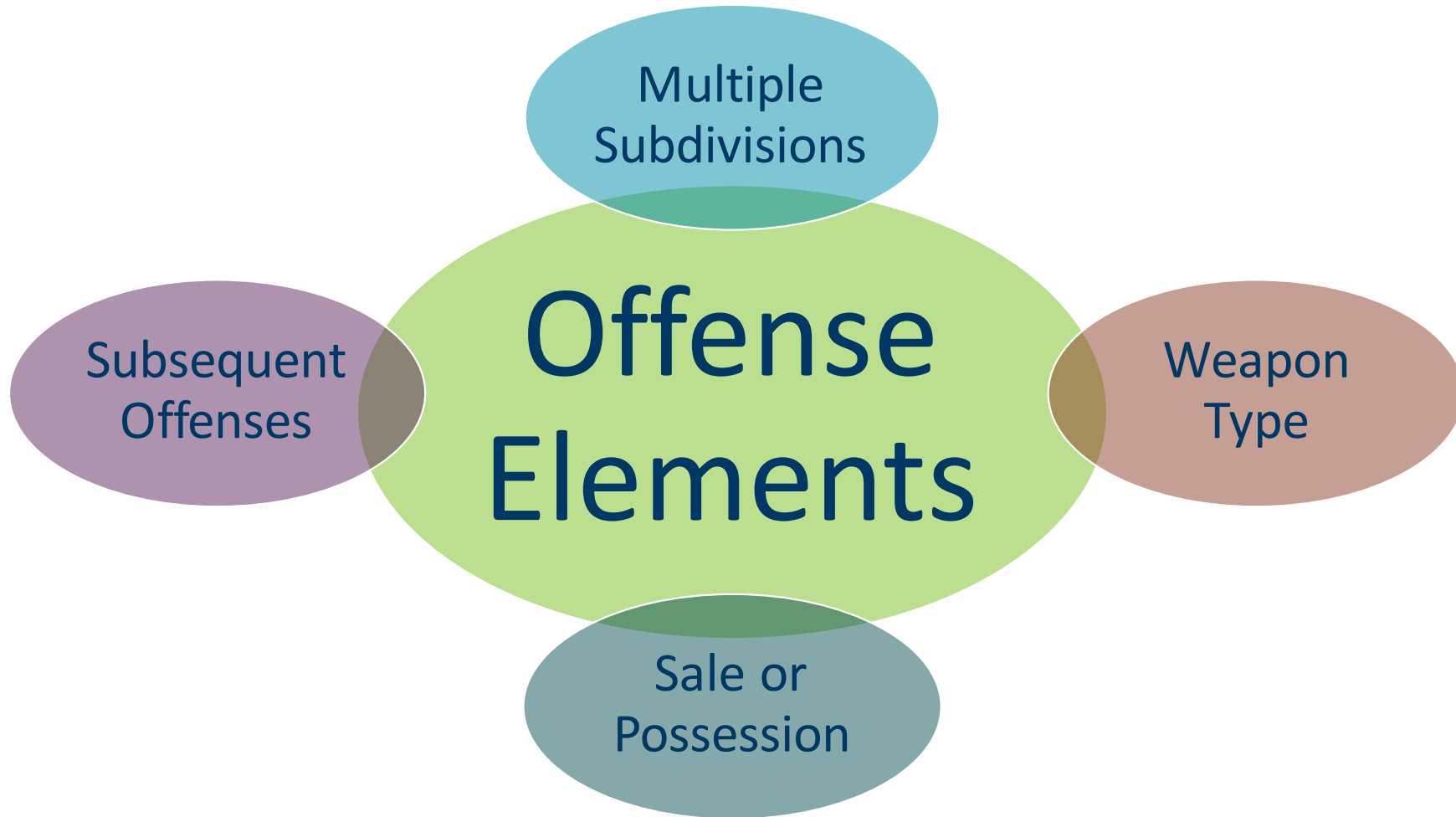
A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types: aggravated and mitigated. A mitigated dispositional departure occurs when the Guidelines recommend an executed prison sentence, but the court pronounces a stayed sentence.

Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2019

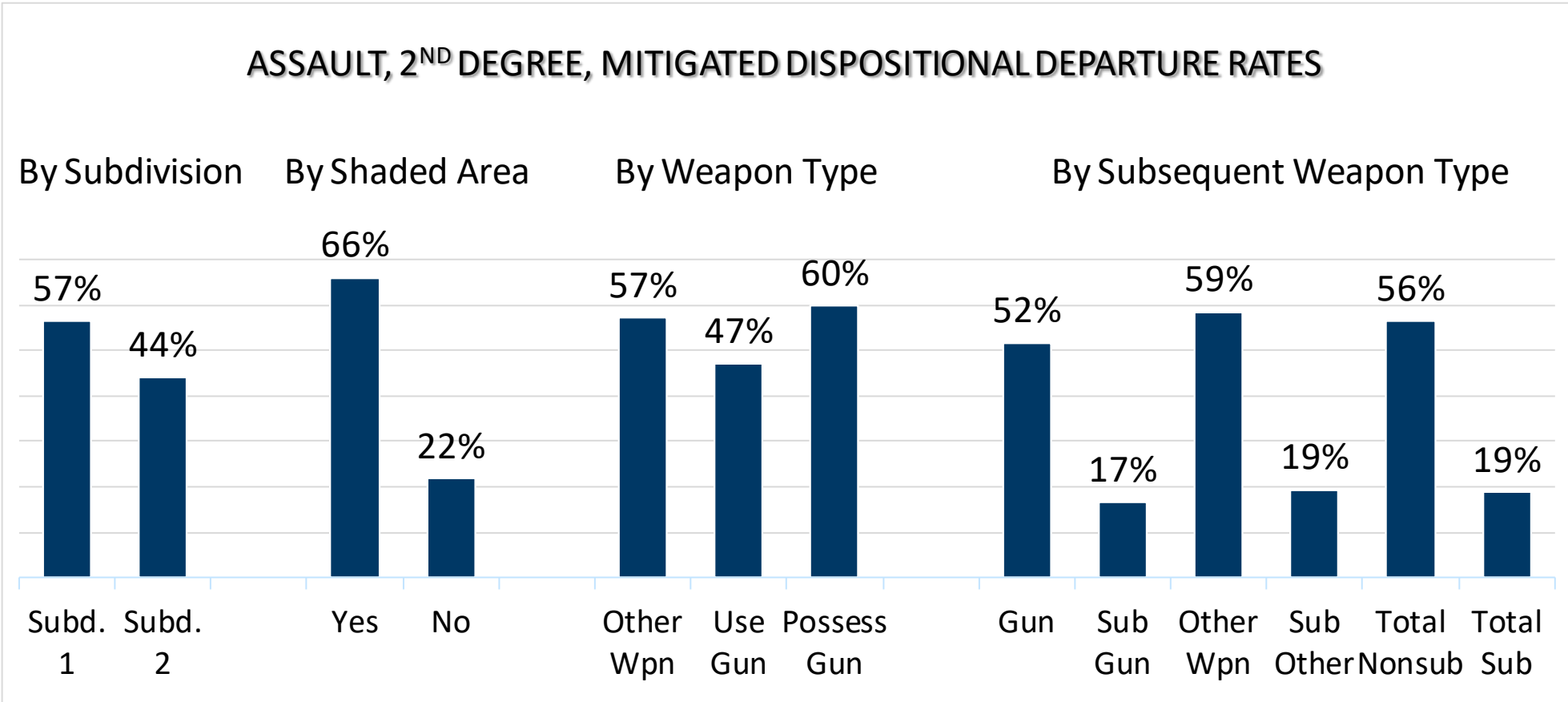
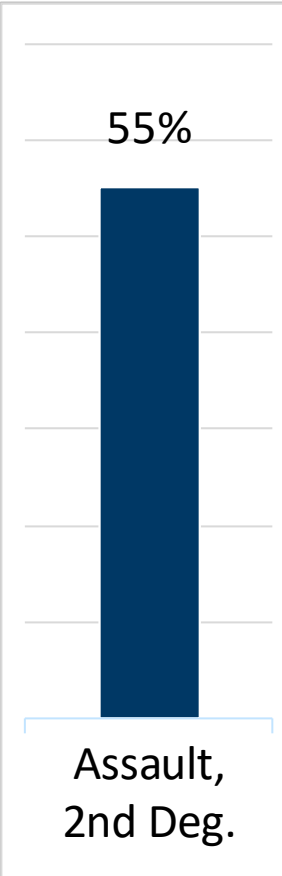


Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 45 percent or more.

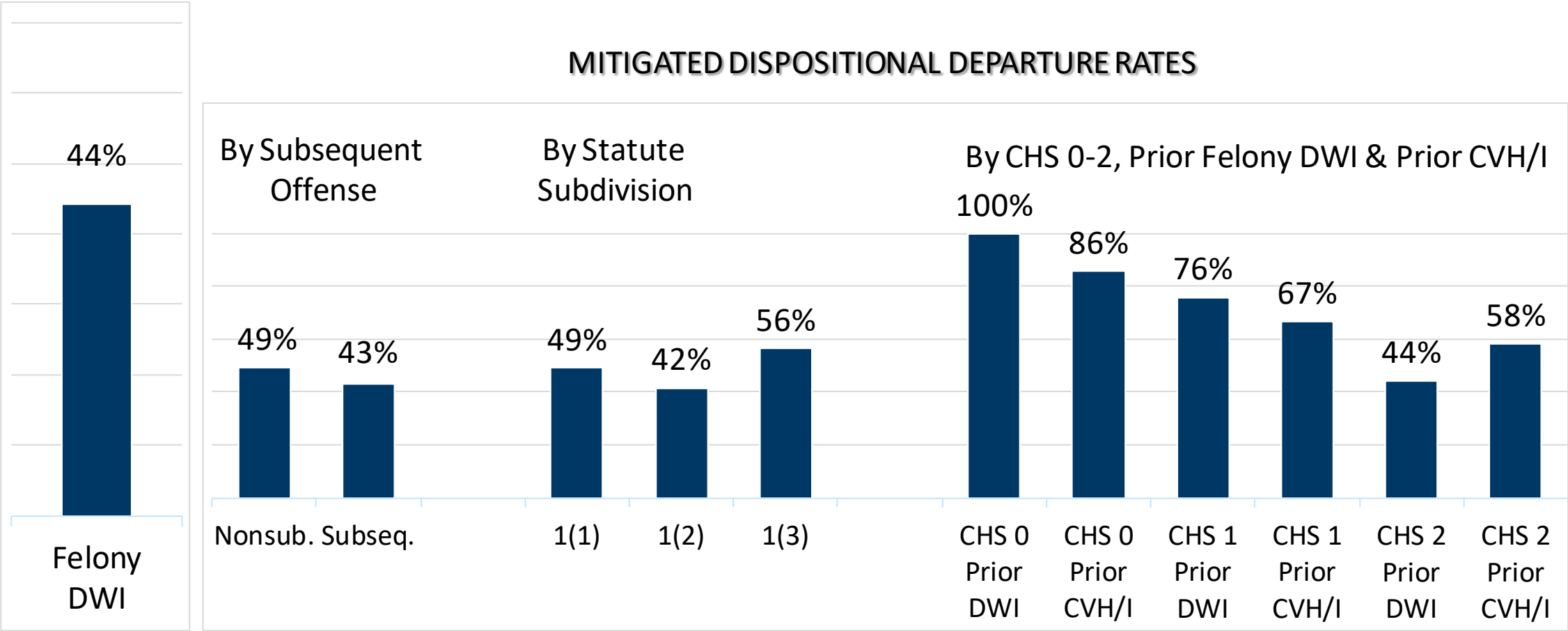
Offense Elements to Consider



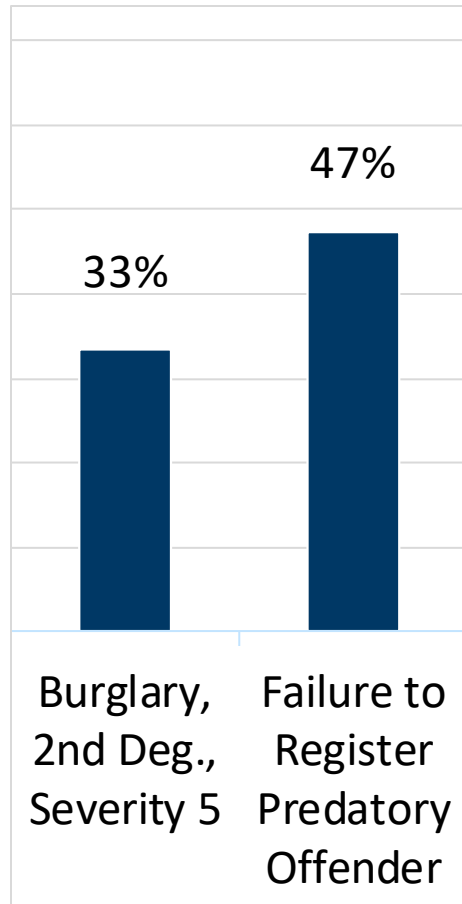
Closer Look at Second-Degree Assault, 2015-2019



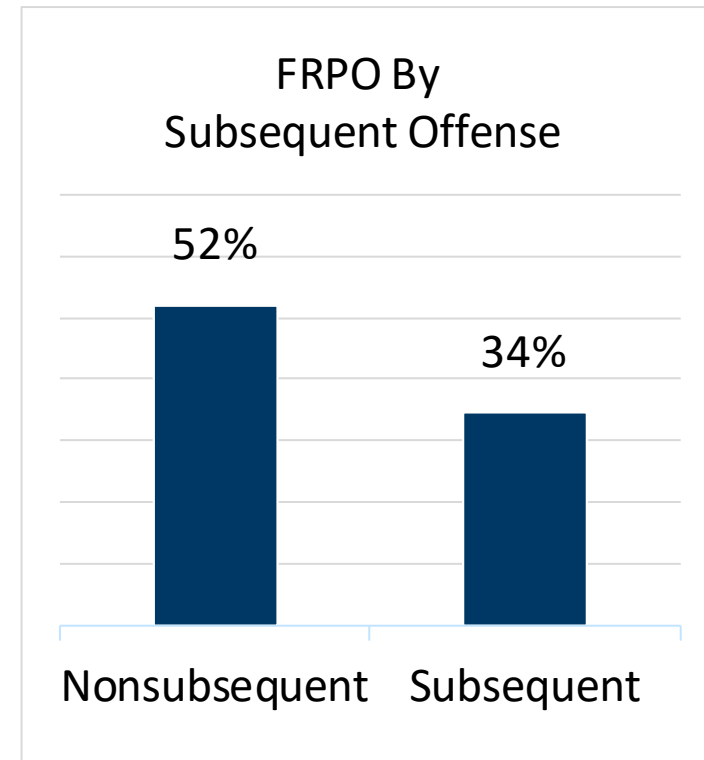
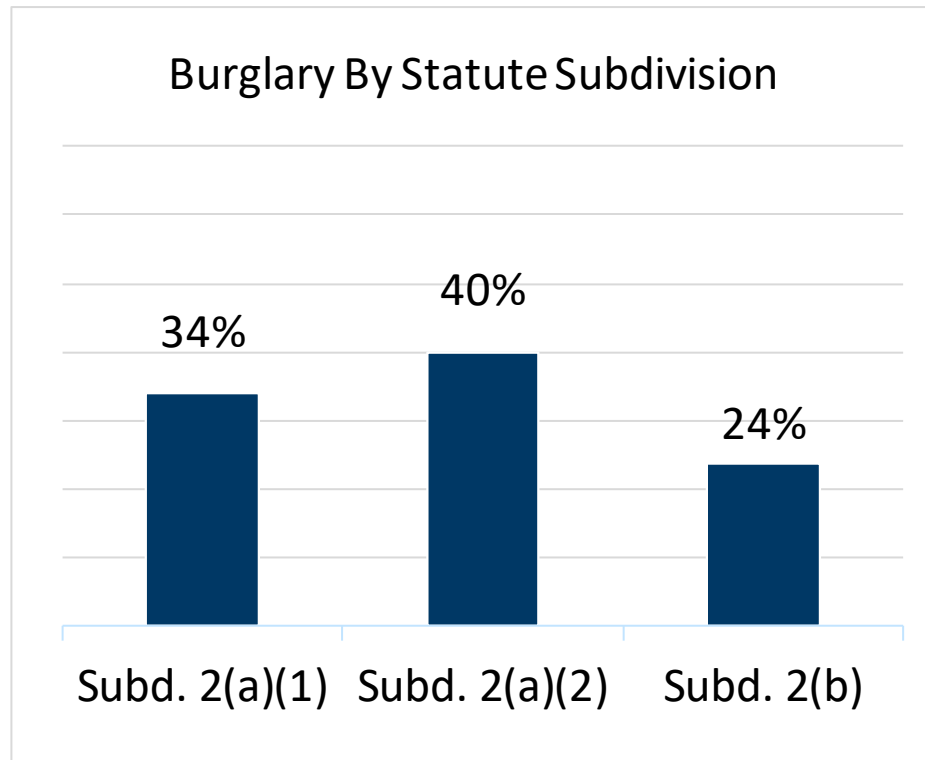
Closer Look at Felony DWI, 2015-2019



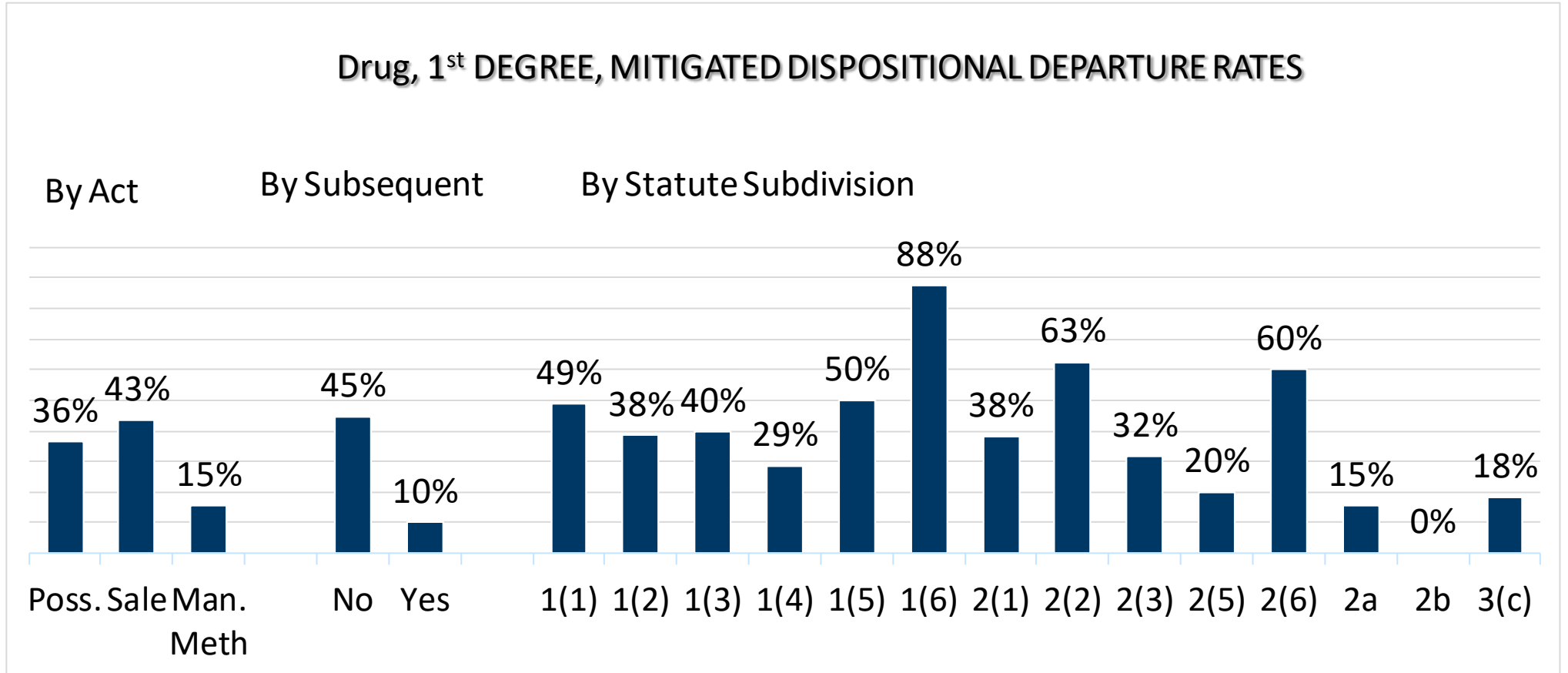
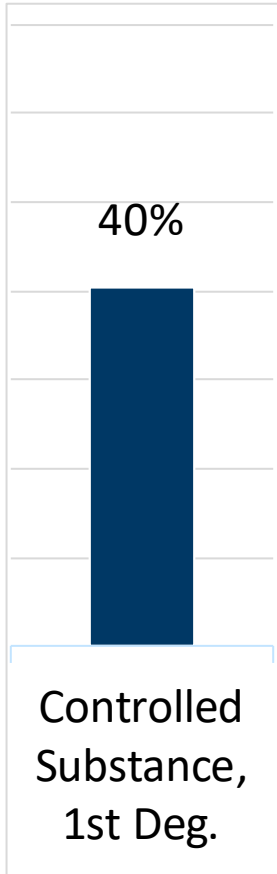
Closer Look at Second-Degree Burglary & Failure to Register as Predatory Offender, 2015-2019



MITIGATED DISPOSITIONAL DEPARTURE RATES



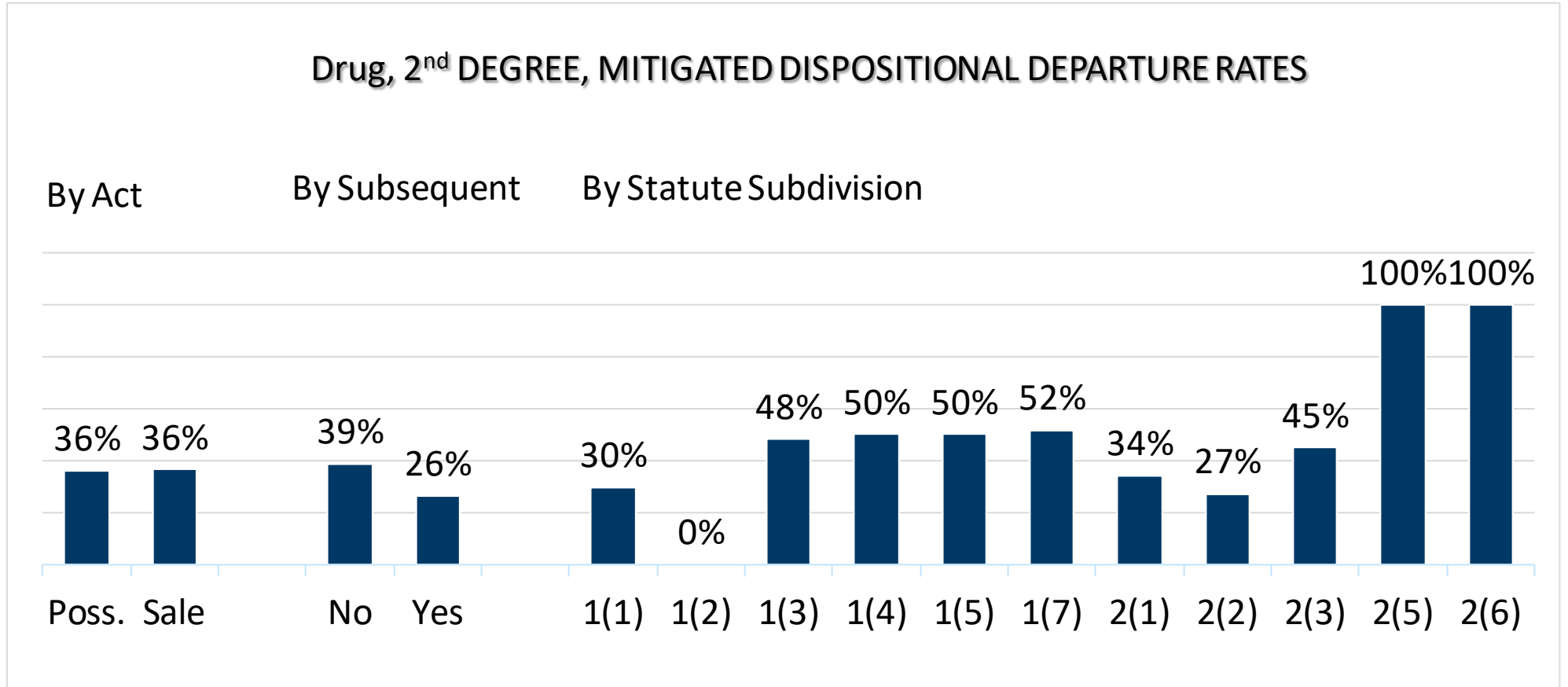
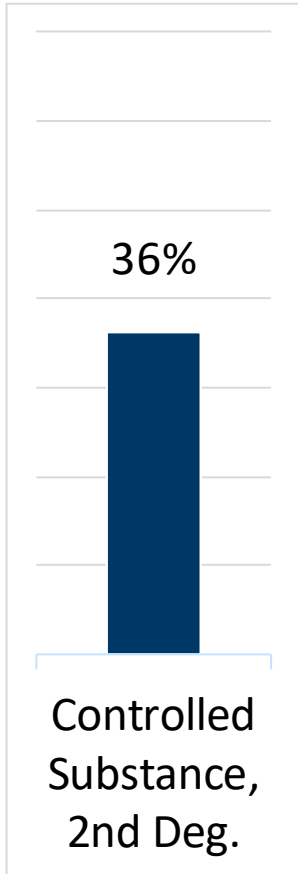
Closer Look at First-Degree Drug, Post-DSRA



Closer Look at First-Degree Drug, Post-DSRA Mitigated Dispositional Departure Rates, 2015-2019

	Subd	Description	Number of Cases	Number of Departures		Subd	Description	Number of Cases	Number of Departures
SALE AT D8	1(1)	17+ G Cocaine/Meth	744	322 (43%)	POSSESSION AT D8	2(a)(1)	50+ G Cocaine/Meth	621	244 (39%)
	1(2)	10+ G Cocaine/Meth & Firearm/2 Agg. Factors	16	9 (56%)		2(a)(2)	25+ G Cocaine/Meth & Firearm/2 Agg. Factors	9	5 (56%)
	1(3)	10+ G Heroin	84	37 (44%)		2(a)(3)	25+ G Heroin	21	7 (33%)
	1(4)	50+ G Other Narcotic	22	8 (36%)		2(a)(4)	500+ G Other Narcotic	0	--
	1(5)	50+ G/200+DU PCP/Hallucinogens	6	3 (50%)		2(a)(5)	500+ G/500+DU PCP/Hallucinogens	5	1 (20%)
	1(6)	25+ K MJ	8	7 (88%)		2(a)(6)	50+ K MJ/500+ Plants	5	3 (60%)
OTHER	2a	Manufacture Meth	29	9 (31%)					
	2b	Aggravated 1 st Deg.	25	0					
	3c	100+G/500+DU	104	29 (28%)					

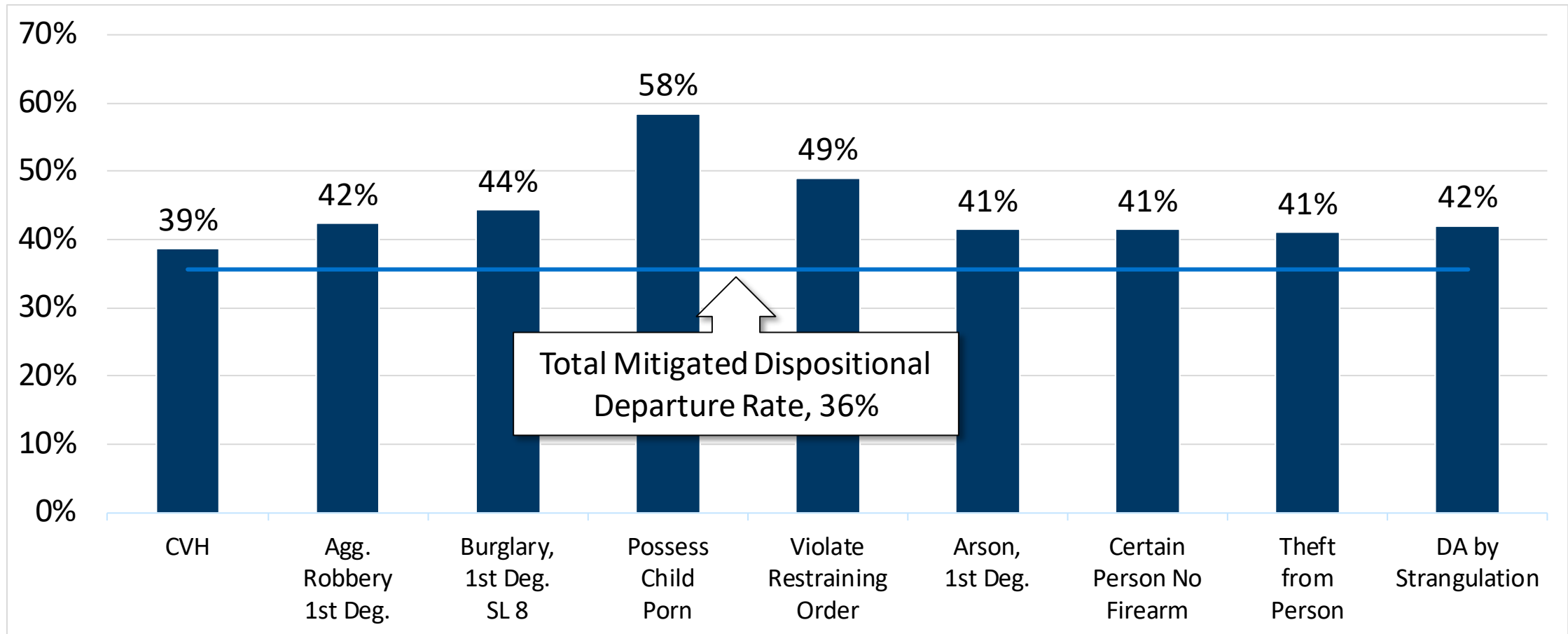
Closer Look at Second-Degree Drug, Post-DSRA



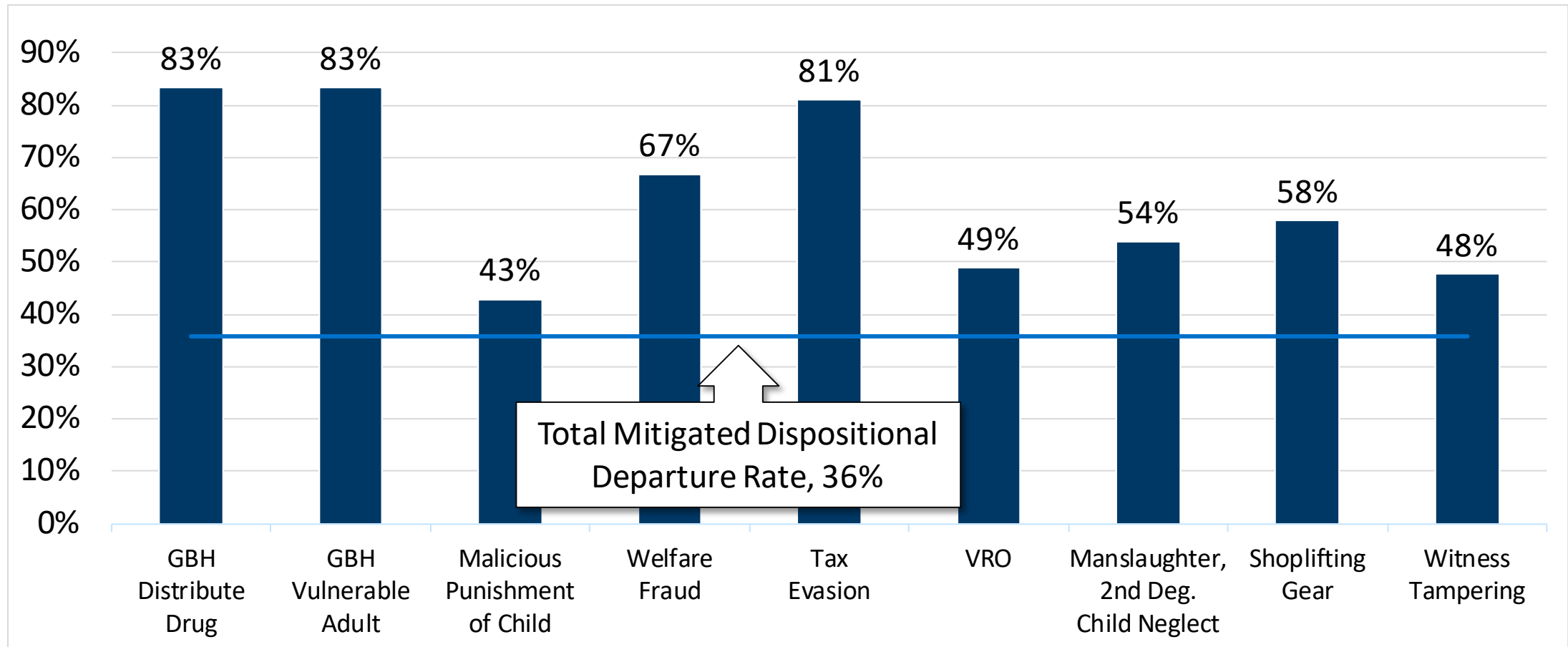
Closer Look at Second-Degree Drug, Post-DSRA Mitigated Dispositional Departure Rates, 2015-2019

	Subd	Description	Number of Cases	Number of Departures		Subd	Description	Number of Cases	Number of Departures
SALE - SEVERITY D7	1(1)	10+ G Narcotic Drug other than Heroin	440	182 (41%)	POSSESSION – SEVERITY D7	2(a)(1)	25+ G Cocaine/Meth	867	372 (43%)
	1(2)	3+ G Cocaine/Meth & Firearm/2 Agg. Factors	16	6 (38%)		2(a)(2)	10+ G Cocaine/Meth & Firearm/2 Agg. Factors	17	6 (35%)
	1(3)	3+ G Heroin	46	30 (65%)		2(a)(3)	6+ G Heroin	32	18 (56%)
	1(4)	10+ G/50+ DU PCP/Hallucinogens	8	4 (50%)		2(a)(4)	50+ G Other Narcotic	4	2 (50%)
	1(5)	10+ K MJ	6	4 (67%)		2(a)(5)	50+ G/100+ DU PCP/Hallucinogens	2	2 (100%)
	1(6)	Cocaine/Narcotic to Minor/Employs Minor	36	23 (64%)		2(a)(6)	25+ K MJ/100+ Plants	2	2 (100%)
	1(7)	Zone/Drug Treatment Facility	30	15 (50%)					

Other Generally High Departure Offenses Mitigated Dispositional Departure Rates, 2015-2019



Low-Frequency, High-Departure Offenses Mitigated Dispositional Departure Rates, 2015-2019



Low-Frequency, High-Departure Offenses Mitigated Dispositional Departure Rates, 2015-2019

Offense	Statute	Severity Level	Number of Cases	Number of Departures
GBH Distribution of Drug	609.228	8	6	5 (83%)
GBH Deprivation of Vulnerable Adult	609.233.3(1)	8	6	5 (83%)
Tax Evasion Laws	289A.63; 297B; 297D; 297F	3	21	17 (81%)
Welfare Fraud	256.98	2, 3	6	4 (67%)
Shoplifting Gear	609.521	3	38	22 (58%)
Manslaughter, 2nd Deg. Child Neglect	609.205(5)	8	13	7 (54%)
Harassment, SL 4	609.749	4	43	21 (49%)
Witness Tampering	609.498	5, 9 (<i>aggravated</i>)	21	10 (48%)
Malicious Punishment Child	609.377	4, 8 (<i>GBH</i>)	14	6 (43%)