

Domestic Assault, Strangulation, § 609.2247 subd 2: Sentenced 2019-2023

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.

Information Requested: Statewide departures for Domestic Assault, Strangulation, § 609.2247 subd 2.

Analysis:

- Sentenced 2019-2023
- Domestic Assault, Strangulation, § 609.2247 subd 2
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score (CHS)

From 2019-2023, 1,029 cases were sentenced for Domestic Assault, Strangulation. 917 (89.1%) had a presumptive stayed disposition and 112 (10.9%) had a presumptive disposition of commit. 52 (5.1%) cases received a mitigated dispositional departure. One (0.1%) of the presumptive stayed cases received an aggravated dispositional departure. Of the 76 people who received an executed prison sentence, 18 (23.7%) received a mitigated durational departure and five (6.6%) received an aggravated durational departure.

Table 1. Domestic Assault, Strangulation, § 609.2247 subd 2: Sentenced 2019-2023

CHS	Total	Presumptive Disposition		Dispositional Departure			Durational Departure (prison only)		
		Stay	Commit	None	Aggravated	Mitigated	None	Aggravated	Mitigated
0	555	555	0	555	0	0	1	2	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	33.3%	66.7%	0.0%
1	171	171	0	171	0	0	0	2	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%
2	118	118	0	117	1	0	6	1	0
	100.0%	100.0%	0.0%	99.2%	0.8%	0.0%	85.7%	14.3%	0.0%
3	73	73	0	73	0	0	2	0	2
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	50.0%	0.0%	50.0%
4	41	0	41	19	0	22	13	0	6
	100.0%	0.0%	100.0%	46.3%	0.0%	53.7%	68.4%	0.0%	31.6%
5	29	0	29	17	0	12	12	0	5
	100.0%	0.0%	100.0%	58.6%	0.0%	41.4%	70.6%	0.0%	29.4%
6+	42	0	42	24	0	18	19	0	5
	100.0%	0.0%	100.0%	57.1%	0.0%	42.9%	79.2%	0.0%	20.8%
Total	1029	917	112	976	1	52	53	5	18
	100.0%	89.1%	10.9%	94.8%	0.1%	5.1%	69.7%	6.6%	23.7%

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 37 cases, objected to the departure in three cases, and in 12 cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous. The prosecutor agreed to/recommended/did not object to the departure all 18 cases.