

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## Sentencing Practices

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## Background Information

Minnesota adopted a sentencing guidelines system effective May 1, 1980, in order to create a more uniform and determinate sentencing system.

A sentencing guidelines system provides the legislature with a structure for determining and maintaining a rational sentencing policy. Through the development of sentencing guidelines, the legislature determines the goals and purposes of the state's sentencing system. The Guidelines represent the general goals of the criminal justice system. They also specifically recommend what the appropriate sentence should be for an individual offender, given the offender's conviction offense and criminal record.

The system is intended to ensure that offenders convicted of serious crimes against persons or with lengthy criminal records are sentenced to prison. The Guidelines may, and often have been modified to increase penalties for offenders. The system allows these modifications to be implemented uniformly throughout the state. A monitoring system has been developed to provide information on sentencing practices. This information is used to evaluate sentencing policy, identify sentencing trends and to determine how sentencing policy impacts correctional resources.

### *Goals of the Minnesota Sentencing Guidelines*

The goals of the Minnesota Sentencing Guidelines are:

- To better assure **public safety**.
- To promote **uniformity** in sentencing so that offenders who are convicted of similar types of crimes and who have similar types of criminal records are similarly sentenced.
- To provide **truth and certainty** in sentencing.
- To establish **proportionality** in sentencing by emphasizing a "just deserts" philosophy. Offenders convicted of serious violent offenses (even with no prior record), those with repeat violent records, and those with more extensive non-violent criminal records are recommended the most severe penalties.

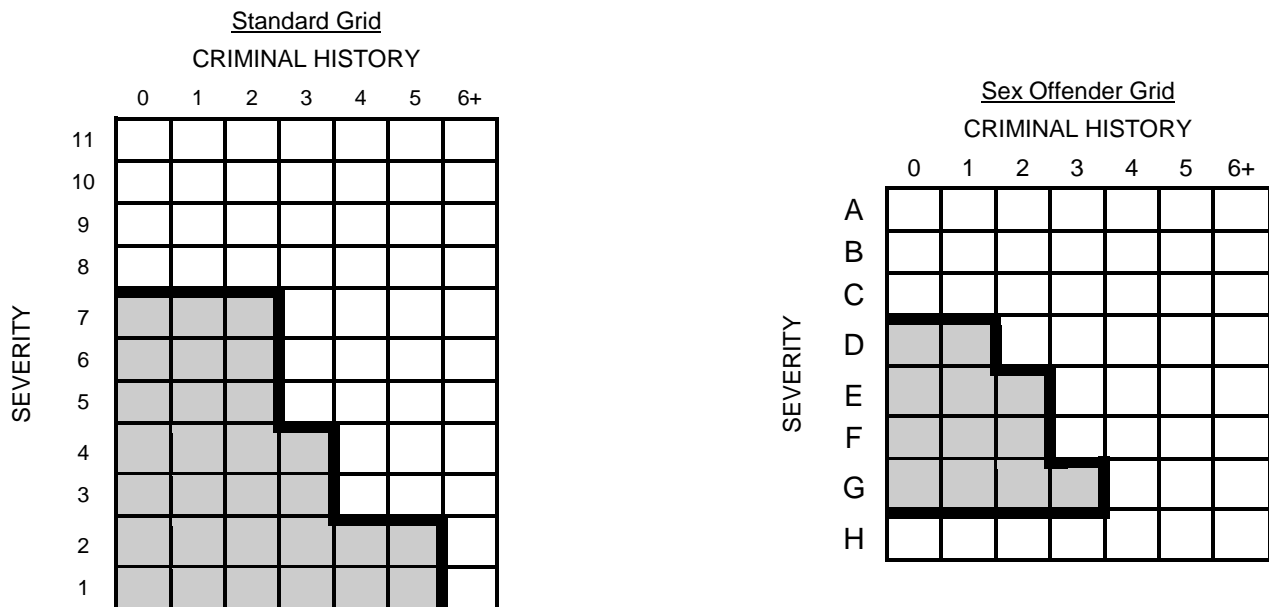
### *How the Sentencing Guidelines Work*

To understand the data on sentencing practices, it is necessary to have a general knowledge of how the Guidelines work and what factors are used to determine the recommended sentence. The following pages provide a brief explanation of how the Minnesota Sentencing Guidelines are applied to individual cases.

Minnesota's Guidelines are based on a grid structure. The vertical axis represents the severity of the offense of conviction. The Commission has ranked offenses that are felonies under Minnesota law into eleven severity levels. Offenses for which a life sentence is mandated by

statute (first-degree murder and some criminal sexual conduct offenses) are excluded from the Guidelines. A separate Sex Offender Grid is used for sentencing sex offenses with severity levels from A (most serious) to H.<sup>1</sup>

The horizontal axis represents the offender’s criminal history and includes: variously weighted prior felony sentences; some prior misdemeanor/gross misdemeanor sentences; limited prior serious juvenile offenses; and added points for “custody status” if the offender was confined or was on probation, parole, supervised release, or conditional release, when the current offense was committed.



### Presumptive Sentence

The recommended Guidelines sentence (presumptive sentence) is generally found in the cell of the Sentencing Guidelines Grid where the offender’s criminal history score and severity level intersect. The numbers in the cells are recommended lengths of prison sentences in months.

For cells below and to the left of the solid line (the gray shaded area of the Grids), the Guidelines recommend a stayed sentence. When a sentence is stayed, the court typically places the offender on probation and may impose up to one year of local confinement (i.e., jail or workhouse). Other conditions such as fines, restitution, community work service, treatment, house arrest, etc., may also be imposed on the offender.

For cells above and to the right of the solid line (the white area of the Grids), the Guidelines recommend incarceration in a state prison. When prison is the presumption, the Guidelines

<sup>1</sup> Failure to register as a sex offender, which carries a mandatory minimum prison sentence (Minn. Stat. § 243.166), is the only offense ranked at severity level H. Therefore, the recommended disposition according to the Guidelines is commitment.

provide a range of 15 percent downward and 20 percent upward from a specified duration. The court may pronounce a sentence within that range without departing from the Guidelines.

The court may depart from the presumptive Guidelines sentence for reasons that are substantial and compelling. The court must state the reason(s) for departure on the record, and either the prosecution or the defense has the right to appeal the pronounced sentence. (A more in-depth discussion of departures begins on page 22.)

Regardless of whether or not the court follows the Guidelines, the sentence pronounced is fixed; there is no parole board to grant early release from prison. When an offender receives an executed (prison) sentence, the sentence pronounced by the court consists of two parts: a term of imprisonment equal to at least two-thirds of the total executed sentence and a supervised release term encompassing the remaining portion of the total executed sentence. The amount of time the offender actually serves in prison may be extended by the Department of Corrections if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender serving the entire executed sentence in prison. Certain offenses (such as criminal sexual conduct and felony DWI) have a period of conditional release attached to them. When an offender is committed to prison, the Department of Corrections places the person on conditional release for a designated term upon the offender's release from prison. Conditional release essentially extends the offender's term of supervision by the Department of Corrections upon release.

The presumptive sentence cannot always be determined by simply looking at one of the sentencing Grids. The presumptive Guidelines sentence is sometimes greater than it might appear from the Grids alone, due to mandatory minimum sentences and other enhanced sentences provided by the Legislature. It is not possible to fully explain all of the policies in this brief summary. Additional information on the Sentencing Guidelines is available by contacting the Commission's office. The *Minnesota Sentencing Guidelines and Commentary* is available online at [mn.gov/sentencing-guidelines](http://mn.gov/sentencing-guidelines).

### *Changes to the Sentencing Grids over Time*

These types of changes should be noted when evaluating sentencing information over time.

#### *2006*

Effective August 1, a separate Sex Offender Grid was introduced with severity level A (the most serious) to severity level H. More severe policies were adopted for repeat sex offenders including an enhanced weighting scheme for prior sex offenses and the possibility of a second custody status point.

#### *2005*

Starting August 1, ranges on the Guidelines Grid were increased to allow the court to pronounce a sentence without departure that is up to 20 percent greater than, or 15 percent less than, the presumptive number of months on the sentencing Grid.

#### *2002*

Felony Driving While Impaired (DWI) took effect August 1. The Commission added an eleventh severity level to the Standard Sentencing Guidelines Grid to accommodate it. A new severity level 7 was

created, with the old severity levels 7 through 10 becoming 8 through 11. Offenses ranked at these levels were moved up a severity level, but the presumptive sentences remained the same.

#### *1997*

A package of changes, which increased sentences in some cells and decreased sentences in other cells at Severity Levels 2 through 6, went into effect August 1.

#### *1989*

A number of dramatic changes were made to the Guidelines. Presumptive durations at severity levels 7 through 10 were increased significantly and a weighting scheme was implemented for prior felonies. Before August 1, 1989, felony sentences that were included in the criminal history score were weighted at one, regardless of the severity of the prior offense.

### *New Felony Crime Legislation in 2012\**

In 2012, legislation impacting felony sentencing was as follows:

Theft from retailer of motor fuel was added to the theft statute. The penalty depends on the monetary value; over \$1,000 is a felony.

Prostitution definitions were amended. The change made it clear that both prostitutes and patrons can be charged with felony prostitution in a school or park zone. Separate non-felony penalties for patrons and prostitutes were also established. These changes were enacted into law during the 2011 Special Session.

Two vulnerable adult neglect offenses were created: one resulting in great bodily harm and one resulting in substantial bodily harm.

The penalty for sale (“remuneration”) of synthetic cannabinoids was increased from a gross misdemeanor to a felony.

Female genital mutilation was added to the list of qualified domestic violence-related offenses. These offenses form the underlying definitions that support felony domestic assault and felony violation of a restraining order.

False imprisonment, unreasonable restraint of a child, was amended to create a second felony-level offense when the crime results in demonstrable bodily harm.

\* For more details, see [Minnesota Sentencing Enhancements: 1987 to 2013](#) under “Special Topics.”

## *MSGC Monitoring Data*

One of the primary functions of the Sentencing Guidelines Commission is to monitor sentencing practices. The monitoring system is designed to maintain data on all offenders convicted of a felony and sentenced under the Guidelines. A case is defined when a sentencing worksheet is received from the probation officer and matched with sentencing data from the District Court. An offender sentenced in the same county on more than one offense within a thirty-day period is counted as one case; information on the most serious offense is included in MSGC Monitoring Data.

Sentencing Guidelines worksheets, submitted by probation officers to the court and to the Commission, contain demographic information about the offender (e.g. date of birth, gender, race/ethnicity), the offenses for which the offender was convicted, the offender's criminal history and the presumptive Guidelines sentence. This information is matched with sentencing data from the District Court. The monitoring data sets include information on the sentence pronounced by the court and, if the sentence was a departure, the reasons cited by the court.

Beginning in 2006, first-degree murder offenses are included in the Commission's data. Prior to then, only attempted first-degree murder and conspiracy to commit first-degree murder were included. First-degree murder has a mandatory life sentence, so the presumptive sentence is not determined by the Sentencing Guidelines. It was decided to include first-degree murder in the Commission's data following the Legislature's creation of life sentences for some sex offenses in 2005. We are now able to track the number of life sentences pronounced and the types of offenders receiving life sentences.

Prior to 1988, a "year" of sentencing data contained twelve months of sentences, beginning with the first of November of the previous year and extending to the end of October of the year specified. Beginning in 1988, the twelve-month period was converted to the regular calendar year. The slight shift in the time frames does not significantly interfere with analysis.



## Data for Cases Sentenced in 2012

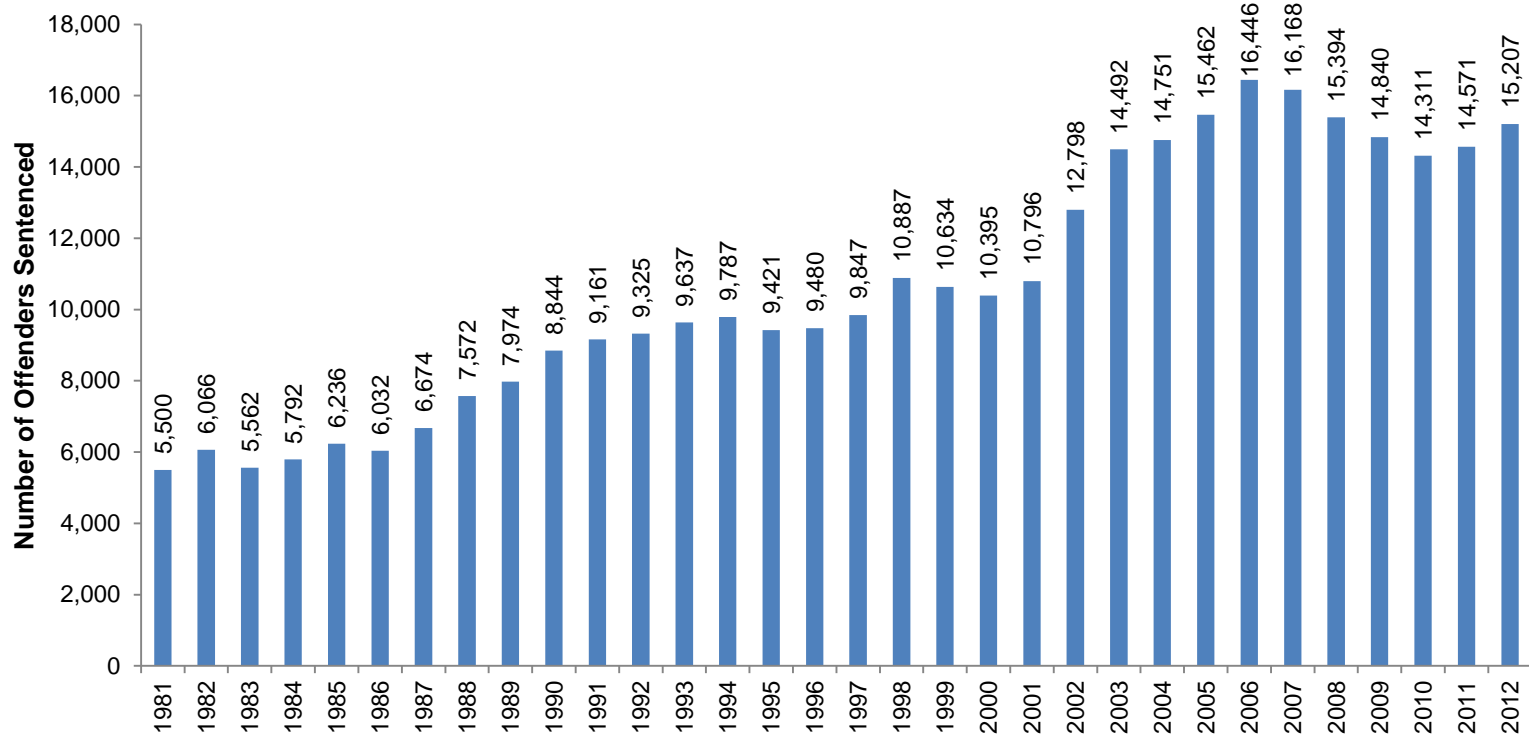
The data on the following pages display summary information about sentencing practices and case volume and distribution. As noted in the description of the Guidelines, the recommended sentence is based primarily on the severity of the offense of conviction and secondarily on the offender's criminal record. The majority of offenders receive the recommended sentence.

Sentencing practices are very closely related to the recommended Guidelines sentence. It is very important, therefore, to be aware of the effect of differences in offense severity and criminal history when evaluating sentencing practices. This is particularly important when comparing groups of offenders (e.g. by gender, race/ethnicity and judicial district). For example, if in a particular district the proportion of serious person offenders is fairly high, the imprisonment rate for that district will likely be higher than for districts with predominantly lower severity level offenses.

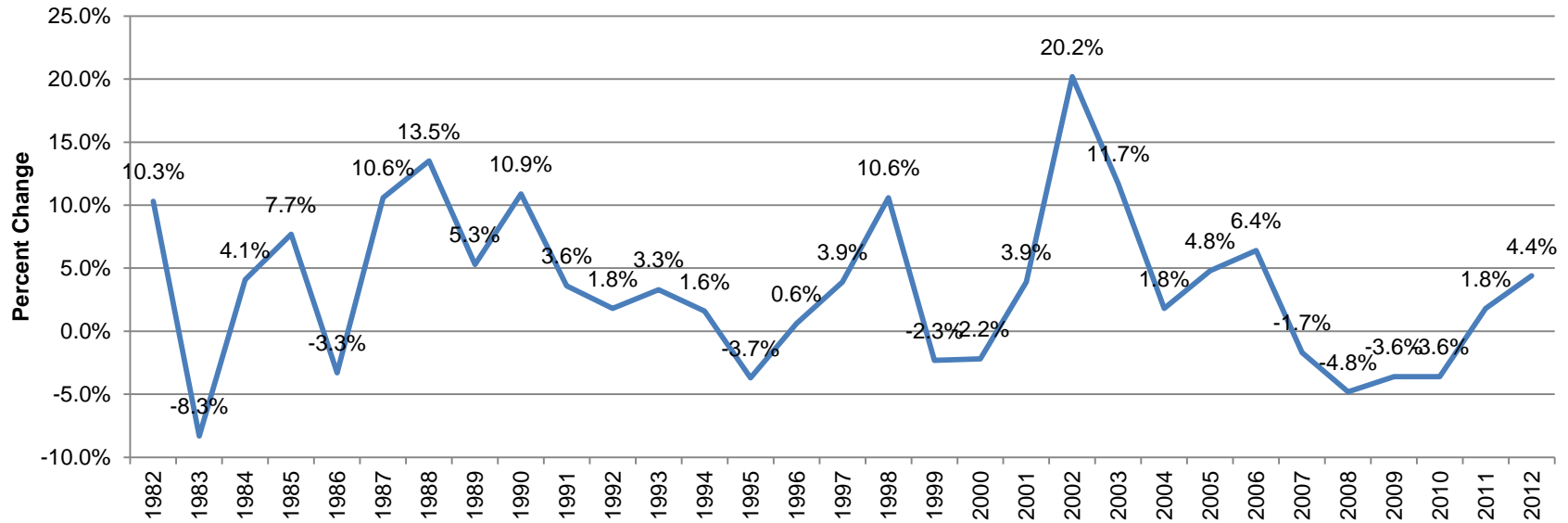
It is also important to take significant changes to the Guidelines into account when analyzing the following tables. For instance, a severity level was inserted into the Standard Grid in 2002 to accommodate felony driving while impaired (DWI). In order to group offenses together when reporting data, the new Severity Levels 1 through 11, are used in tables in which severity levels are reported. In addition, the Sex Offender Grid effective for sex offenses committed on or after August 1, 2006, is referenced separately wherever applicable.

Case Volume and Distribution

FIGURE 1. NUMBER OF OFFENDERS SENTENCED FOR FELONY CONVICTIONS: 1981-2012



**Figure 2. Percent Change in Number of Offenders Sentenced for Felony Convictions: 1982-2012**



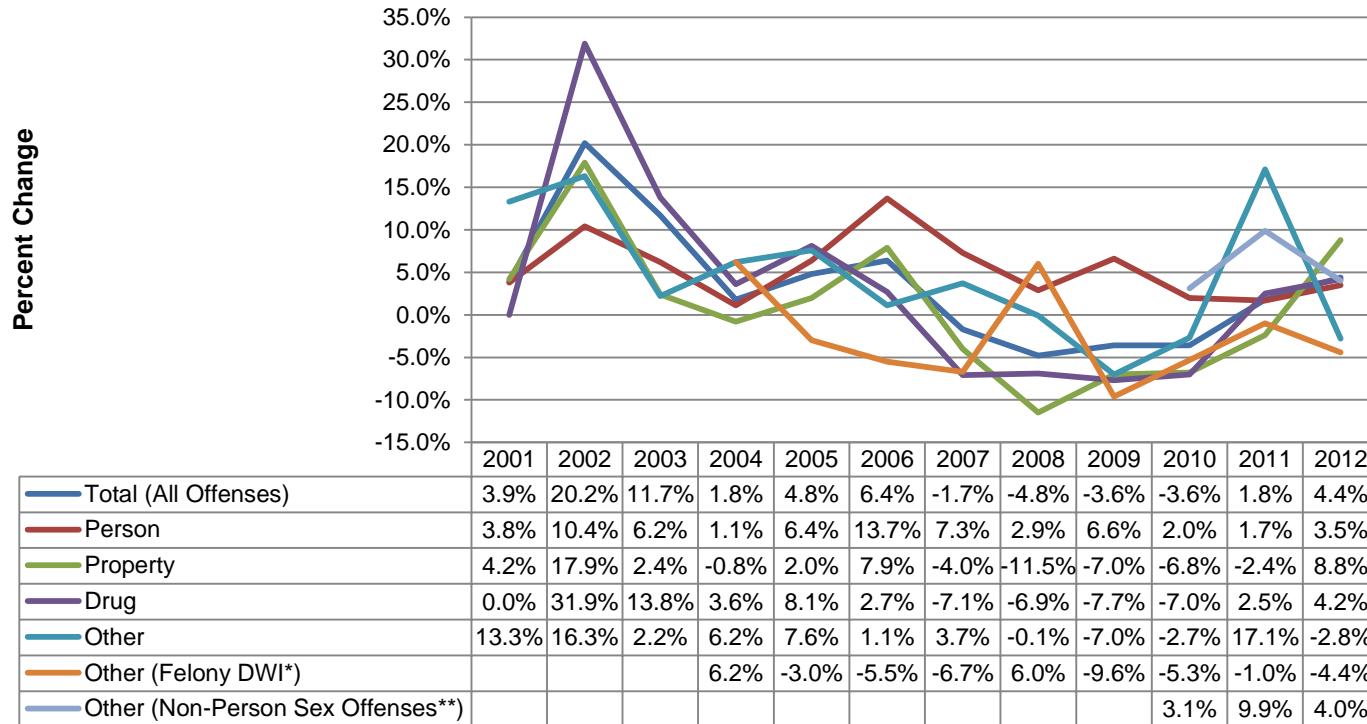
Case Volume

There were 15,207 felony offenders sentenced in 2012; an increase of 4.4 percent from the number sentenced in 2011. Figures 1 and 2 illustrate a large growth in the number of offenders sentenced for felony convictions between 2001 and 2006. This growth can be attributed to the implementation of the felony driving while impaired (DWI) law and increases in the number of drug crimes sentenced, particularly methamphetamine cases.

The increase in volume for felony sentences is likely related to an overall increase in reported crime. Data published by the Minnesota Department of Public Safety indicates that the overall crime rate for “index crimes”<sup>[1]</sup> has fluctuated since 1981, but had declined in the five years prior to 2012. The 2012 rate of 2,775 crimes per 100,000 in population represents an increase of 0.7 percent from the 2011 rate. In 2012 there were 12,323 reported violent crimes in Minnesota, an increase of 3.8 percent from the 11,876 violent crimes reported in 2011.

<sup>[1]</sup> Index crimes are Murder, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft, and Arson. [2012 Uniform Crime Report](#), p. 10.

**Figure 3. Percent Change by Offense Type: 2001-2012  
(Felony DWI and Non-Person Sex Offenses Separated from “Other” Category)**



\*Felony DWI went into effect August 1, 2002. Since 2003 was the first full year in which this offense existed, percent change for this category is only provided for 2004 and beyond.

\*\*Category created in 2010 for sex offenses without a direct victim (failure to register as a predatory offender and possession and dissemination of child pornography). These offenses are excluded from the percent change calculation between 2009 and 2010 for the “other” category.

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### Change in Case Volume by Offense Type

Figure 3 shows the percent change, by offense type, in the number of offenders sentenced between 2001 and 2012. The number of offenders sentenced increased in every offense category except “Other”. With an increase of 8.8 percent, Property offenses grew the most.

- Person Offenses

Sentencing for person crimes has increased every year since 2001. In 2012, the number of offenders sentenced for person crimes increased by three and a half percent, which follows a growth rate of nearly two percent in 2011, two percent in 2010, and six percent in 2009 (Figure 3). As a proportion of total crimes sentenced in 2012, person offenses accounted for approximately 32 percent of the offenses, almost equal to the percentage observed in 2011 (also 32%), which was the highest percentage since the Guidelines went into effect (Figure 5). Much of the recent growth in person offenses can be attributed to an increase in certain domestic assault-related offenses, including domestic assault, domestic assault by strangulation, and violations of restraining orders. This growth appears to have leveled off in 2012. After a 25% increase in 2011, the number of offenders sentenced for violations of domestic abuse no contact orders (VDANCO) declined by 13% in 2012. The number sentenced for violations of harassment restraining orders (VHRO) increased from 34 to 47 and there was growth of 3 percent in the numbers sentenced for violations of orders for protection (VOFP). There were also increases in the number sentenced for domestic assaults (2%) and domestic assault by strangulation (15%) (Figure 4). For a more detailed discussion of the growth in domestic assault and restraining order offenses, please see MSGC’s report entitled *Assault Offenses & Violations of Restraining Orders Sentenced in 2012*, which is available on the MSGC website. (<http://mn.gov/sentencing-guidelines/>). Other than the domestic assault related offenses, the assault offense that grew the most in 2012 was second degree assault with a 23 percent increase. The number of offenders sentenced for first, third, and fourth-degree assaults declined.

- Drug Offenses

Sentencing for drug offenses, which had increased dramatically in 2002 (up 31.9%) and 2003 (up 13.8%), has generally declined since 2007. But in 2011, the number of drug offenders sentenced rose slightly (by 2.5 percent Figure 3). In 2012 there was an additional four percent increase. As a proportion of total crimes sentenced, drug offenses have been decreasing since 2006 (Figure 5). In 2012, the proportion of offenders sentenced for drug offenses was the same as in 2010 and 2011 (23%), which is the lowest percentage seen since 1999.

- Property Offenses

In 2012, the number of offenders sentenced for property offenses increased by almost 9%. Prior to 2012, the number sentenced for property offenses had declined in every year since 2006. Theft offenses increased by 10 percent while burglary (excluding first-degree burglary with assault or a weapon) and check forgery offenses increased by 15 percent. The proportion of total crimes sentenced that were property offenses rose from 29 percent in 2011 (the lowest level observed since 2001) to 30 percent in 2012 (Figure 5). This proportion is still much lower than that seen in 2001 and earlier years when property offenses made up over 40 percent of the cases sentenced.

- Other Offenses (Including Felony DWI)

In 2010, the “other” offense category was separated so that data about felony DWI and non-person sex offenses (e.g., failure to register as a predatory offender or possession and dissemination of child pornography) could be analyzed separately. The number of offenders sentenced for Felony DWI peaked in 2004 at 860 and has declined in most years since then. In 2012, the number of offenders sentenced for felony DWIs (631) decreased by four percent, a larger decrease than that seen in 2011. Overall, there was a four percent increase in the number of offenders in the non-person sex offense category. Failure to register increased by 40 offenders and pornography offenses decreased by 21 offenders (from 125 to 104). The number sentenced for the remaining offenses in the other category decreased by almost three percent. However, there were noticeable increases in escape offenses (from 42 cases in 2011 to 69 cases in 2012) and ineligible felon in possession of a firearm (from 274 to 321). Voting violations decreased from 160 in 2011 to 95 in 2012.

Figure 4. Frequency of Assault and Restraining Order Offenses: 2001-2012

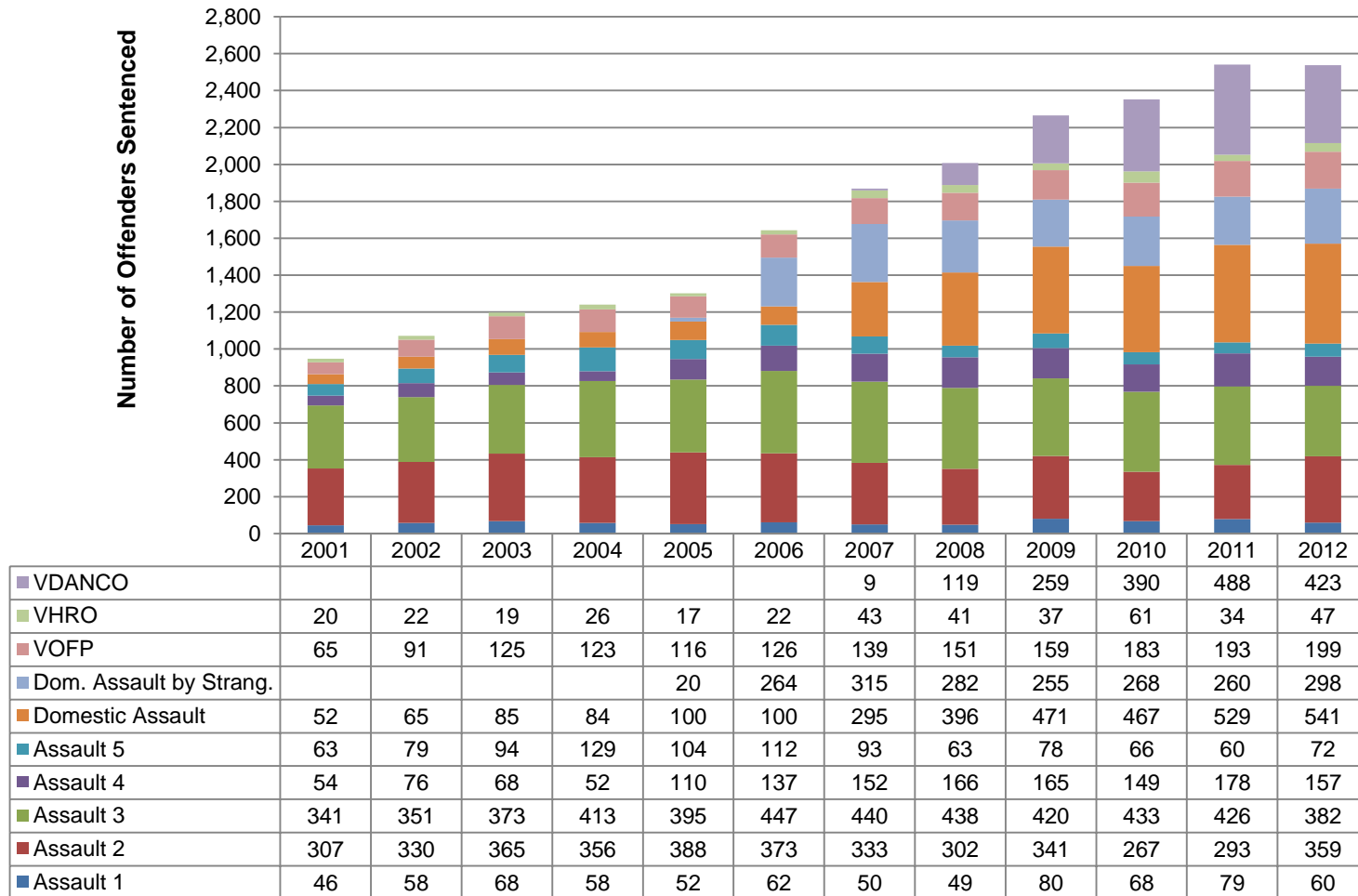
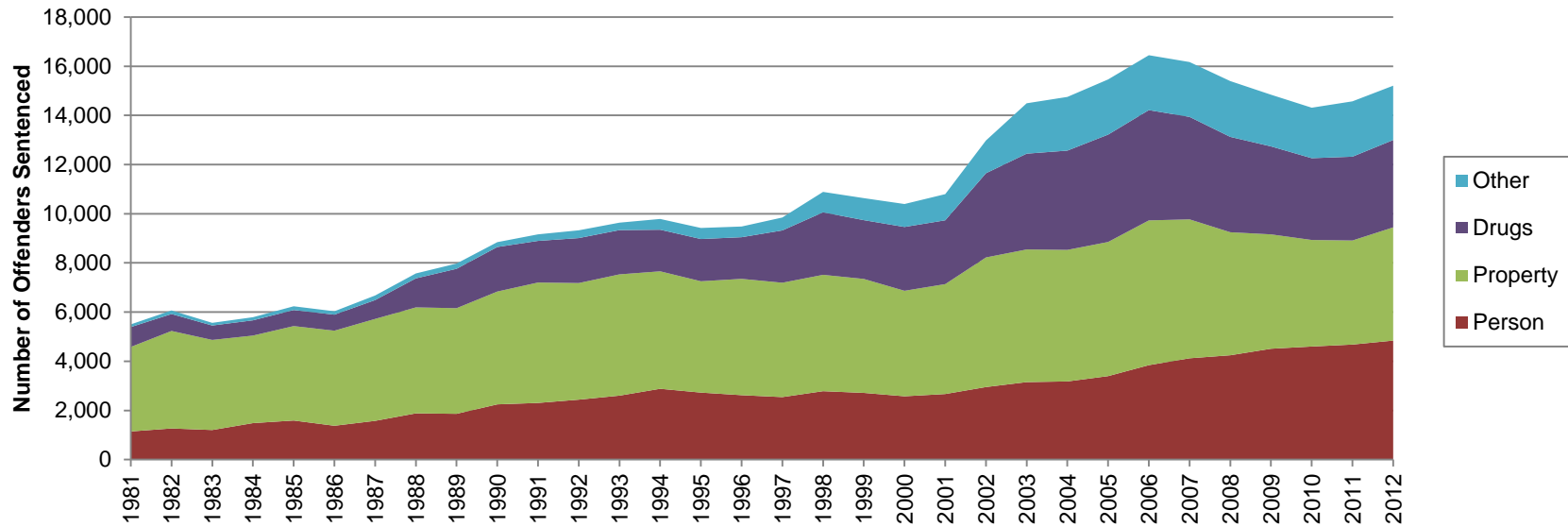


Figure 5. Volume of Offenders Sentenced by Offense Type: 1981-2012



Offense Type		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Person	Number	2,667	2,951	3,152	3,180	3,396	3,841	4,121	4,244	4,509	4,599	4,679	4,841
	%	24.7	22.7	21.7	21.6	22.0	23.4	25.5	27.6	30.4	32.1	32.1	31.8
Property	Number	4,470	5,271	5,395	5,349	5,455	5,888	5,650	5,003	4,651	4,334	4,232	4,604
	%	41.1	40.6	37.2	36.3	35.3	35.8	34.9	32.5	31.3	30.3	29.0	30.3
Drug	Number	2,596	3,424	3,896	4,038	4,366	4,485	4,167	3,878	3,578	3,326	3,409	3,552
	%	24.0	26.4	26.9	27.4	28.2	27.3	25.8	25.2	24.1	23.2	23.4	23.4
Other –	Number	1,063	1,332	2,049	2,184	2,245	2,232	2,230	2,269	2,102	952	1,115	1,084
	%	9.8	10.3	14.1	14.8	14.5	13.6	13.8	14.7	14.2	6.7	7.7	7.1
Felony DWI	Number										667	660	495
	%										4.7	4.5	3.3
Non-Person Sex Offense	Number										433	476	631
	%										3.0	3.3	4.1
Total Number		10,796	12,978	14,492	14,751	15,462	16,446	16,168	15,394	14,840	14,311	14,571	15,207



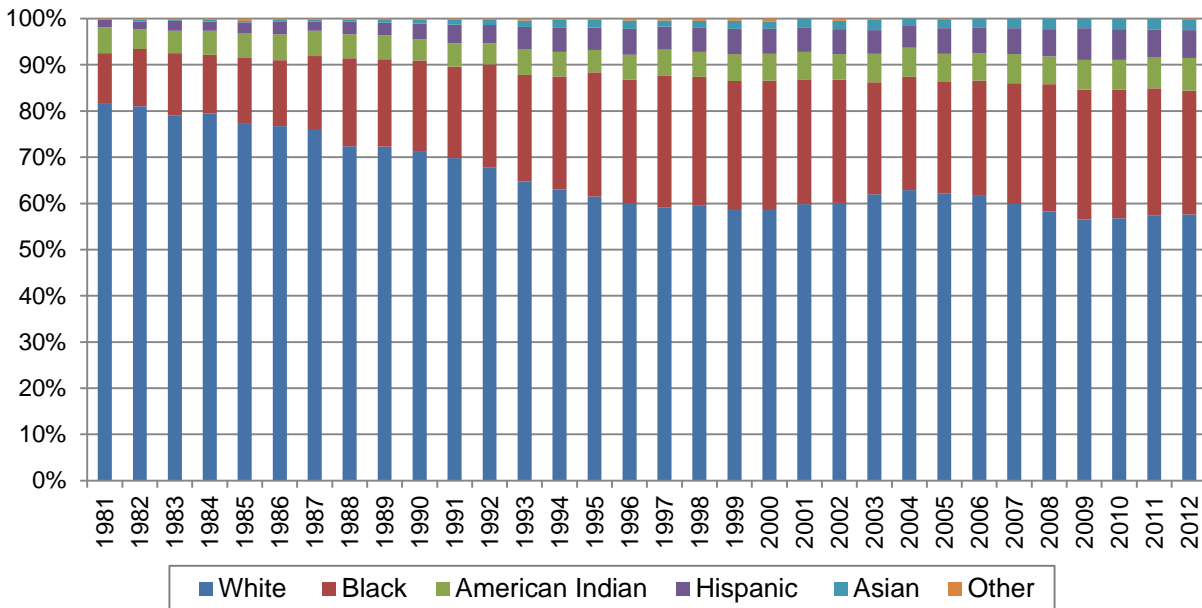
Distribution of Offenders by Gender, Race and Judicial District

Males have always accounted for more than 80 percent of the felony offenders in Minnesota (Table 5). Figure 6 shows the racial composition of the felony offender population from 1981 through 2012. The percentage of offenders who are white has decreased by roughly 25 percent since 1981. This is largely due to an increase in the percentage of black offenders, though the percentage of other minority offenders (particularly Hispanic) has also increased over time.

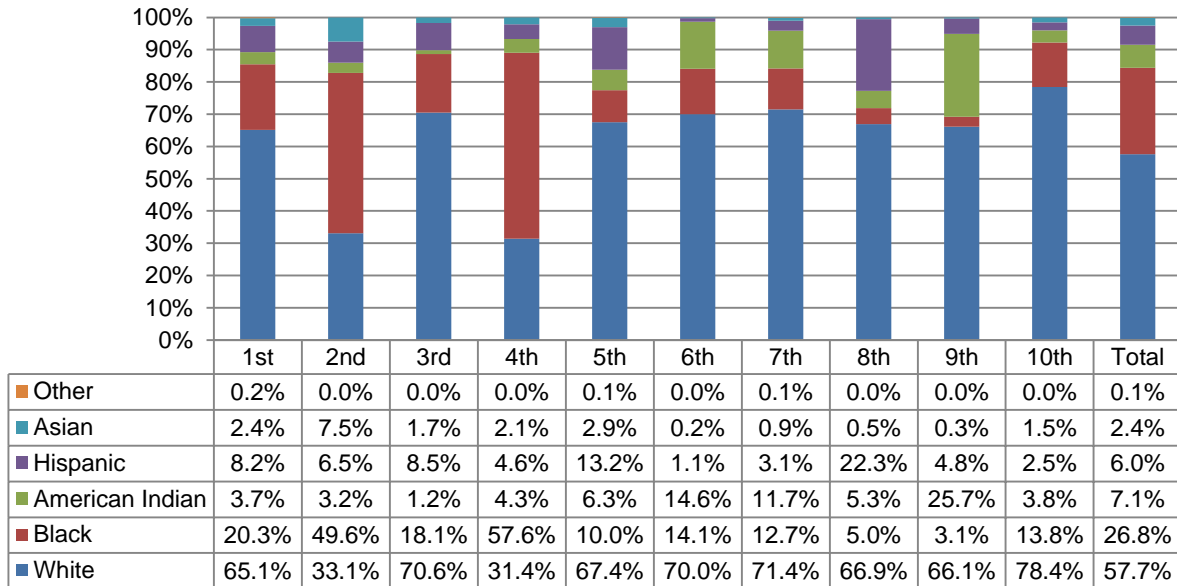
In 2012, the percent of offenders who are black decreased from 27.5 percent in 2011 to 26.8 percent. The percent that are white increased slightly (from 57.3% to 57.7%) while the percent that are American Indian, Asian and Hispanic remained relatively unchanged.

Figure 7 displays the 2012 distribution of the racial composition by Judicial District. The largest populations of black offenders are in the Second Judicial District (Ramsey County) and the Fourth Judicial District (Hennepin County). These districts include the Metropolitan areas of St. Paul and Minneapolis. Additional information on case volume and distribution can be found in Tables 5 to 11 (pp. 36-46). County-level information can be found in Table 28 (pp. 75-77).

**Figure 6. Distribution of Felony Offenders by Race: 1981-2012**



**Figure 7. Distribution of Felony Offenders by Race and Judicial District**



### *Incarceration Rates*

Under Minn. Stat. § [609.02](#), a felony sentence must be at least 366 days long in Minnesota. Sentences of one year or less are gross misdemeanors or misdemeanors and are served in local correctional facilities.

The Guidelines presume who should go to state correctional institutions (prison) and for how long. Imprisonment rates are related to the Guideline recommendations and are based on the seriousness of the offense and the offender's criminal history score. In cases in which prison sentences are stayed, the court usually places the offender on probation. As a condition of probation, the court can impose up to one year of incarceration in a local correctional facility. Probationers usually serve time in a local facility and are often given intermediate sanctions such as treatment (residential or nonresidential), restitution, and fines.

There is no existing structure to guide the court regarding the imposition of these intermediate sanctions. MSGC's monitoring system, which provided the information used in this report, includes only limited information regarding these sanctions. This monitoring system contains information on whether the court pronounced local confinement time as a condition of the offender's probation and for how long, but does not contain information regarding other sanctions imposed. The local incarceration rate reported in this data summary represents the percentage of all offenders convicted of felonies for whom the court pronounced local confinement time as a condition of a stayed sentence or whose crimes were sentenced as misdemeanors or gross misdemeanors.

The total incarceration rate describes the percentage of offenders who received a sentence that included incarceration in a state prison or local facility, such as a jail or workhouse, following conviction. Figure 8 describes the total incarceration rate, as well as the separate rates for prison and local confinement, from 1978 to 2012. The total incarceration rate has grown steadily over the last 25 years, from 61 percent in 1981, to 85 percent or more since 1991. This trend reached a high in 2005, when 92 percent of offenders received a sentence that included incarceration in a state prison or a local facility. In 2012, the total incarceration rate was 91 percent.

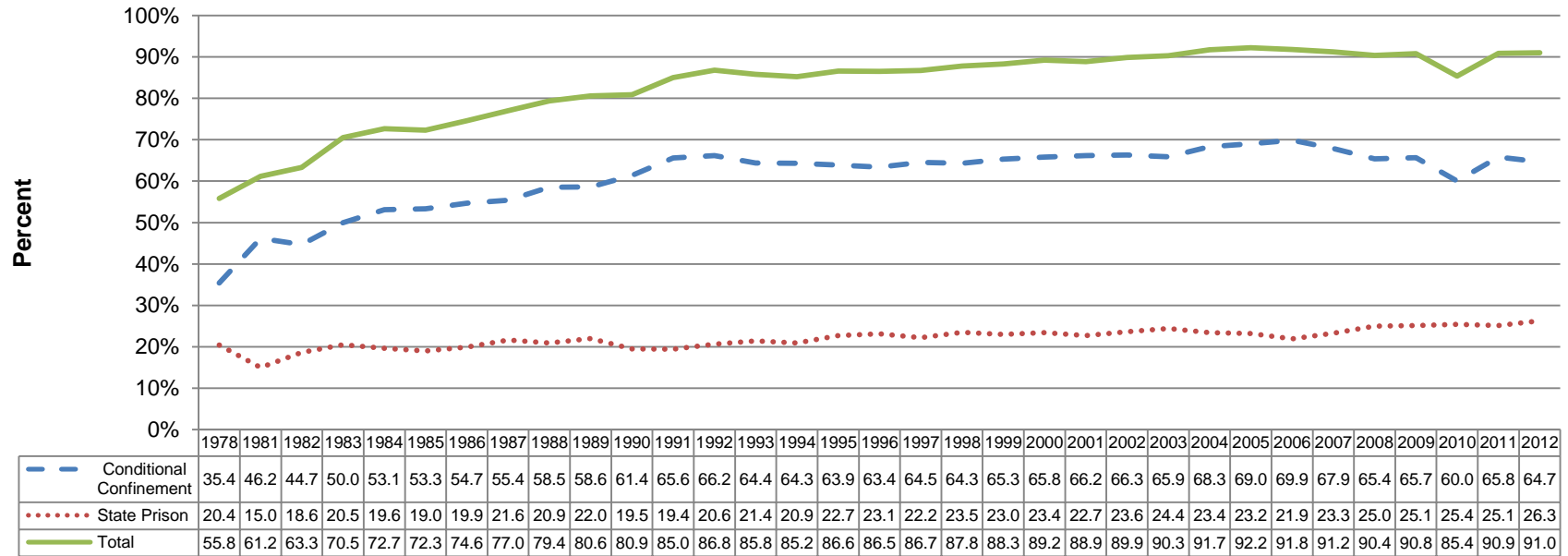
At 26.3 percent, the imprisonment rate was slightly higher than what was observed in 2011 and was the largest rate observed since the Guidelines were implemented. The overall conditional confinement rate was 64.7 percent. Of the 11,203 who did not receive an executed prison sentence<sup>2</sup>, 87.8 percent<sup>3</sup> received either confinement time as a condition of probation or a local jail sentence.

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<sup>2</sup> See Table 1. Total cases (15,207) – total receiving prison (4,004) = 11,203.

<sup>3</sup> See Table 1. Total receiving conditional confinement (9,838) / # offenders not receiving prison (11,203) = .878.

Figure 8. Overall Incarceration Rates: 1978, 1981-2012



### Incarceration by Race and Judicial District

Table 1, below, provides total incarceration information for offenders sentenced in 2012. "Total Incarceration" includes all offenders receiving prison sentences or receiving local confinement time as a condition of a stayed sentence. When comparing imprisonment rates across various groups (sex, race, or judicial district) it is important to note that much of the variation is directly related to the proportion of offenders in any particular group who are recommended a prison sentence by the Guidelines.

- Race

The total incarceration rate varies across racial groups (ranging from 89.8% for white offenders to 93.2% for black offenders). However, there is greater variation by race in the separate rates for prison and local confinement. For example, white offenders were imprisoned at the lowest rate (22.6%) whereas black offenders were imprisoned at the highest rate (33.6%).

- Judicial District

Variation was also observed in incarceration rates by Judicial District. The Second Judicial District, which includes St. Paul, had the highest total incarceration rate (99.3%) and the Third Judicial District, which includes Rochester, had the lowest total incarceration rate (82.0%). This variation continues with respect to the separate rates for prison and local confinement. For example, the Second Judicial District, had the highest imprisonment rate (31.5%) and the Sixth Judicial District, which includes Duluth, had the lowest imprisonment rate (20.2%). With regard to use of local confinement, the Tenth Judicial District had the highest rate (71.9%) and the Third Judicial District had the lowest rate (56.8%).

Historical information for incarceration rates can be found in Tables 12-21 (pp. 47-64). These tables also include 2012 incarceration data by criminal history and severity level. Additionally, Table 28 illustrates incarceration rates by county (pp. 75-77).

**Table 1. Total Incarceration Rates by Gender, Race / Ethnicity, and Judicial District**

		Total	<u>Total Incarceration</u>		<u>Prison</u>		<u>Conditional Confinement</u>	
		<u>Cases</u>	#	%	#	%	#	%
<b>Gender</b>	Male	12,699	11,692	92.1%	3,692	29.1%	8,000	63.0%
	Female	2,508	2,150	85.7%	312	12.4%	1,838	73.3%
<b>Race/ Ethnicity</b>	White	8,777	7,880	89.8%	1,984	22.6%	5,896	67.2%
	Black	4,073	3,797	93.2%	1,369	33.6%	2,428	59.6%
	American Indian	1,080	993	91.9%	305	28.2%	688	63.7%
	Hispanic	908	832	91.6%	255	28.1%	577	63.5%
	Asian	361	334	92.5%	89	24.7%	245	67.9%
	Other/Unknown	8	6	75.0%	2	25.0%	4	50.0%
	<b>Judicial District</b>	First	1,898	1,637	86.2%	395	20.8%	1,242
	Second	2,099	2,085	99.3%	661	31.5%	1,424	67.8%
	Third	1,296	1,063	82.0%	327	25.2%	736	56.8%
	Fourth	2,891	2,609	90.2%	860	29.7%	1,749	60.5%
	Fifth	819	738	90.1%	185	22.6%	553	67.5%
	Sixth	930	779	83.8%	188	20.2%	591	63.5%
	Seventh	1,499	1,455	97.1%	448	29.9%	1,007	67.2%
	Eighth	417	392	94.0%	113	27.1%	279	66.9%
	Ninth	1,323	1,149	86.8%	355	26.8%	794	60.0%
	Tenth	2,035	1,935	95.1%	472	23.2%	1,463	71.9%
<b>Overall</b>		<b>15,207</b>	<b>13,842</b>	<b>91.0%</b>	<b>4,004</b>	<b>26.3%</b>	<b>9,838</b>	<b>64.7%</b>

*Average Pronounced Sentences (Durations)*

State Prison

The average length of a state prison sentence has fluctuated over time (Table 2). Numerous changes in sentencing practices and policies, as well as changes in the distribution of cases, can affect the average. Overall, however, sentence lengths have increased since 1989. It has fluctuated up and down in the high 40s to low 50s since then. The substantial increase in the average prison sentence after 1989 was due to both the increased presumptive sentences adopted by the Commission in 1989 and, until recent years, an increase in the number of upward durational departures.

Fluctuations since 1989 appear to be further impacted by changes to presumptive sentences and changes in the distribution of cases across severity and criminal history. In addition, variations in aggravated and mitigated durational departure rates have contributed to changes in the length of sentences pronounced. In 2005, the Commission widened the ranges on the Standard Grid; and in 2006, a separate Sex Offender Grid was introduced, giving higher presumptive sentences to repeat offenders and offenders with prior criminal history records. In 2012, 92 percent of the cases overall were eligible for the wider ranges on the Standard Grid and almost seven percent were eligible for sentences on the Sex Offender Grid. Among offenders receiving executed prison sentences (other than a life sentence), 89 percent were eligible to be sentenced from the revised Standard Grid with the wider ranges and 10 percent of the cases were eligible for presumptive sentences from the Sex Offender Grid.

The average pronounced sentence in 2012 was 47.3 months, an increase from the 2011 average of 45.6 months. The average pronounced sentence varied by applicable Sentencing Grid: 105 months for offenders with presumptive sentences on the pre-2005 Grid, 43.6 months for offenders with presumptive sentences on the Grid with expanded ranges, and 74 months for offenders with presumptive sentences on the Sex Offender Grid. In 2012, eight offenders received life sentences: six for first-degree murder and two for criminal sexual conduct. Four of those life sentences were with possible release and four were life sentences with no release possible. Those offenders are excluded from the averaged pronounced prison sentence reported here.

**Table 2. Average Pronounced Prison Sentence**

Executed Prison Sentences (in months)

2012	47.3
2011	45.6
2010	46.5
2009	42.8
2008	45.0
2007	44.8
2006	44.8
2005	45.7
2004	45.1
2003	51.2
2002	47.2
2001	49.8
2000	49.7
1999	47.9
1998	47.0
1997	44.5
1996	47.4
1995	48.5
1994	51.3
1993	46.9
1992	48.6
1991	45.2
1990	45.7
1989	37.7
1988	38.1
1987	36.3
1986	35.4
1985	38.4
1984	36.2
1983	36.5
1982	41.0

Local Confinement (i.e., Local Correctional Facilities and Workhouses)

The average amount of local confinement pronounced as a condition of probation has remained largely constant since 1988. The average was 108 days in 2012, compared to 107 days in 2011, and 110 days in 2010 (Table 3).

Although information is available in the monitoring system regarding the amount of confinement a judge pronounces as a condition of probation, data on the actual amount of time served by the offender are not currently available in Minnesota. The average term pronounced as a condition of probation does not always provide a complete picture of how much time felons are spending on conditional confinement. For a variety of reasons, many offenders will not serve the full amount of time pronounced by the judge. Some offenders who have served time prior to sentencing may receive credit for this time off of the post-sentence time. Other offenders may be released to a treatment program. In addition, some offenders may serve a significant period of time prior to sentencing and additional time may not be pronounced as a condition of their probation.

Additional information on average pronounced sentences can be found in Tables 22 and 23 (pp. 65-70).

**Table 3. Average Local Confinement**

Local Confinement (in days)

2012	108
2011	107
2010	110
2009	107
2008	109
2007	109
2006	111
2005	110
2004	112
2003	112
2002	106
2001	105
2000	104
1999	103
1998	107
1997	107
1996	107
1995	108
1994	113
1993	112
1992	109
1991	106
1990	110
1989	110
1988	108
1987	116
1986	113
1985	120
1984	126
1983	132
1982	144
1981	166



## Departures from the Sentencing Guidelines

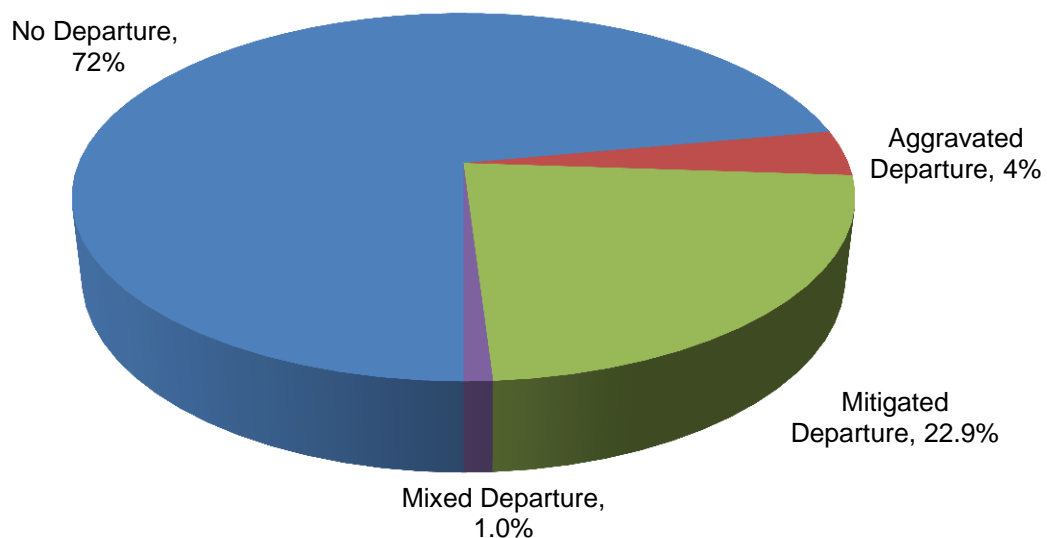
A “departure” is a pronounced sentence other than that recommended in the appropriate cell of the applicable Grid. There are two types of departures – dispositional and durational – as further explained below. Since the presumptive sentence is based on “the typical case,” the appropriate use of departures by the courts when substantial and compelling circumstances exist can actually enhance proportionality by varying the sanction in an atypical case.

While the court ultimately makes the sentencing decision, other criminal justice professionals and victims participate in the decision-making process. Probation officers make recommendations to the courts regarding whether a departure from the presumptive sentence is appropriate, and prosecutors and defense attorneys arrive at agreements regarding acceptable sentences for which an appeal will not be pursued. Victims are provided an opportunity to comment regarding the appropriate sentence as well. Therefore, these departure statistics should be reviewed with an understanding that, when the court pronounces a particular sentence, there is typically agreement or acceptance among the other actors that the sentence is appropriate. Only a small percent of cases (1% to 2%) result in an appeal of the sentence pronounced by the court.

In 2012, 72 percent of all felony offenders sentenced received the presumptive Guidelines sentence. The remaining 28 percent received some type of departure (Figure 9).

Additional departure information can be found in Tables 24-27 (pp. 71-74). Departure information by county can be found in Tables 28-30 (pp. 75-83).

**Figure 9. Overall Departure Rates**

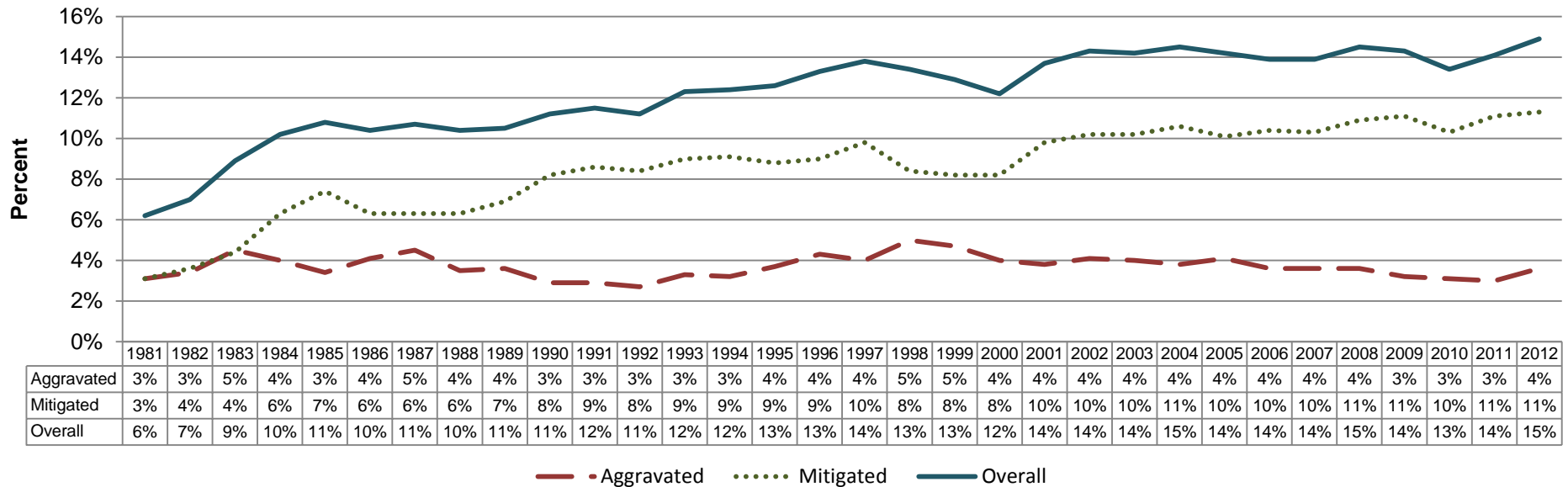


*Dispositional Departures*

**Dispositional Departures.** A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types of dispositional departures: aggravated dispositional departures and mitigated dispositional departures. An aggravated dispositional departure occurs when the Guidelines recommend a stayed sentence but the court pronounces a prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence but the court pronounces a stayed sentence.

Overall, 2,263 offenders (14.9%) received a dispositional departure from the Guidelines. In 540 cases (3.6%), the offenders received prison when the Guidelines recommended probation. In 1,723 cases (11.3%), the offenders received probation when the Guidelines recommended prison. The majority of the increase in the overall departure rate since 1981 has resulted from increases in the mitigated dispositional departure rate (Figure 10).

**Figure 10. Dispositional Departure Rates: 1981-2012**

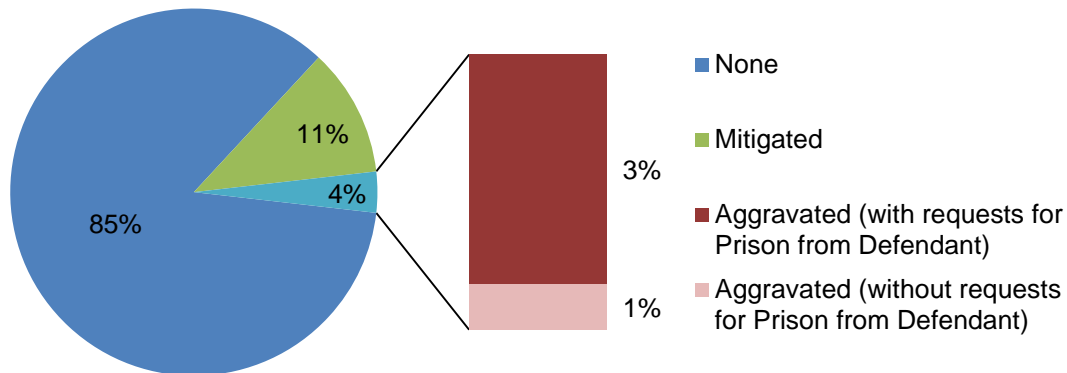


Types of Dispositional Departures

**Aggravated dispositional departures:** Most aggravated dispositional departures occur when an offender with a presumptive stayed sentence requests an executed prison sentence or agrees to the departure as part of a plea agreement. This request is usually made in order for the offender to serve the sentence concurrently with another prison sentence. The Commission has generally included these cases in the departure figures because, for the given offense, the sentence is not the presumptive Guidelines sentence. As a measure of judicial compliance, however, the inclusion of these cases inflates the overall dispositional departure rate to 15 percent and the aggravated dispositional departure rate to over three percent (as shown previously in Figure 10). However, if requests for prison are not included in the analysis, the aggravated dispositional departure rate is one percent (Figure 11). Because aggravated dispositional departures represent such a small percentage of cases, the remainder of this analysis on departures will focus on mitigated dispositional departures.

**Mitigated dispositional departures:** In 2012, approximately eleven percent of the overall cases sentenced had mitigated dispositional departures (Figures 10 and 11).

**Figure 11. Dispositional Departures with and without Requests for Prison from Defendant**



Mitigated Dispositional Departure Rates by Gender, Race and Judicial District

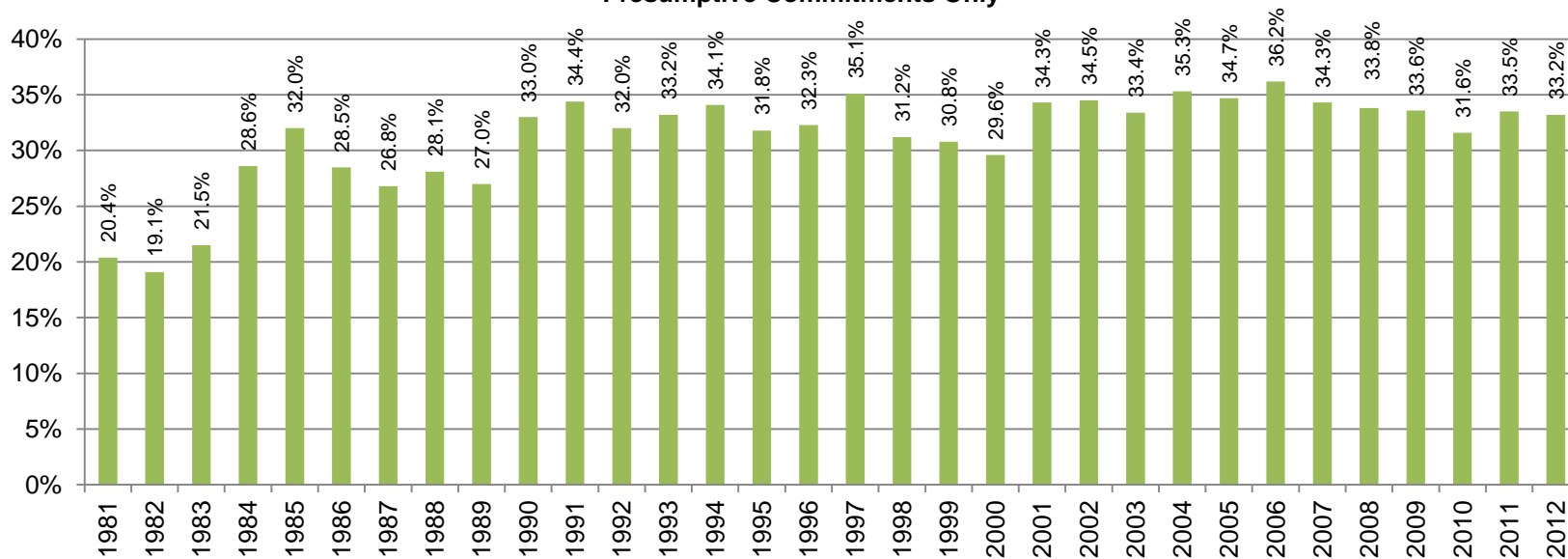
Table 24 (Page 71) illustrates dispositional departure rates by gender, race, and judicial district. The mitigated dispositional departure rate is lower for woman (8.5%) than men (11.9%). When examined by racial composition, the rate ranged from a low of 9.4 percent for Asian offenders to a high of 12.9 percent for black offenders. There was also a great deal of variation in the rate by Judicial District, ranging from lows of 9.2 percent and 9.1 percent in the Second and Seventh Judicial Districts, respectively, to a high of 14.8 percent in the Fourth Judicial District.

This next section focuses on departures for presumptive commit cases (those offenders who were recommended prison). As a result of having fewer cases, the departure rates are significantly higher than those overall.

Mitigated Dispositional Departure Rate for Presumptive Commitments

In 2012, the mitigated dispositional departure rate for offenders recommended prison under the Guidelines was just over 33 percent (1,723 of the 5,188 offenders recommended prison), which is slightly lower than the rate observed in 2011 (Figure 12). The rate in 2010 was the lowest rate observed since 2000. The highest level ever observed was 36.2% in 2006.

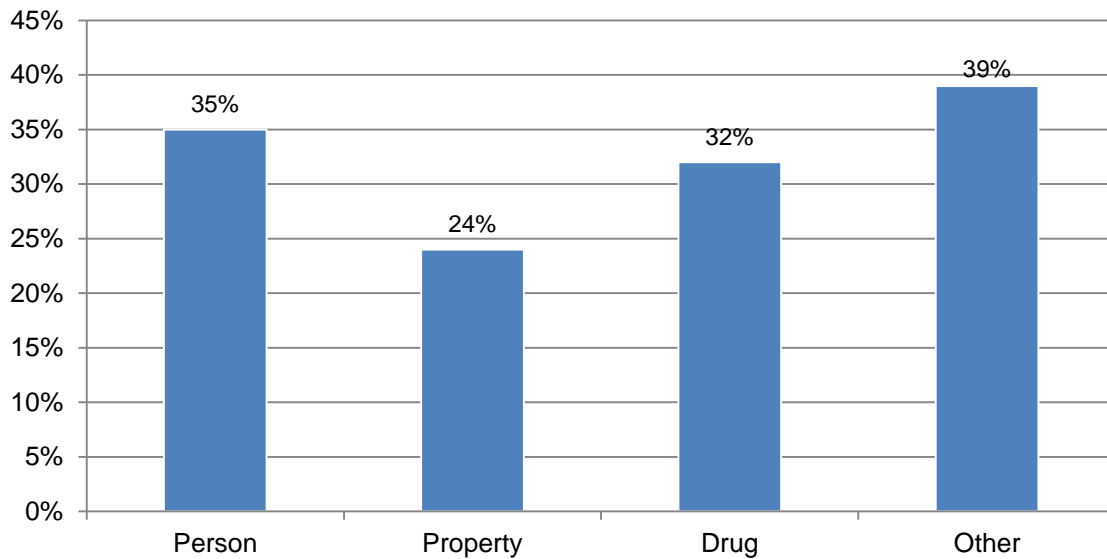
**Figure 12. Mitigated Dispositional Departure Rates: 1981-2012  
Presumptive Commitments Only**



Mitigated Dispositional Departure Rate by Offense Type

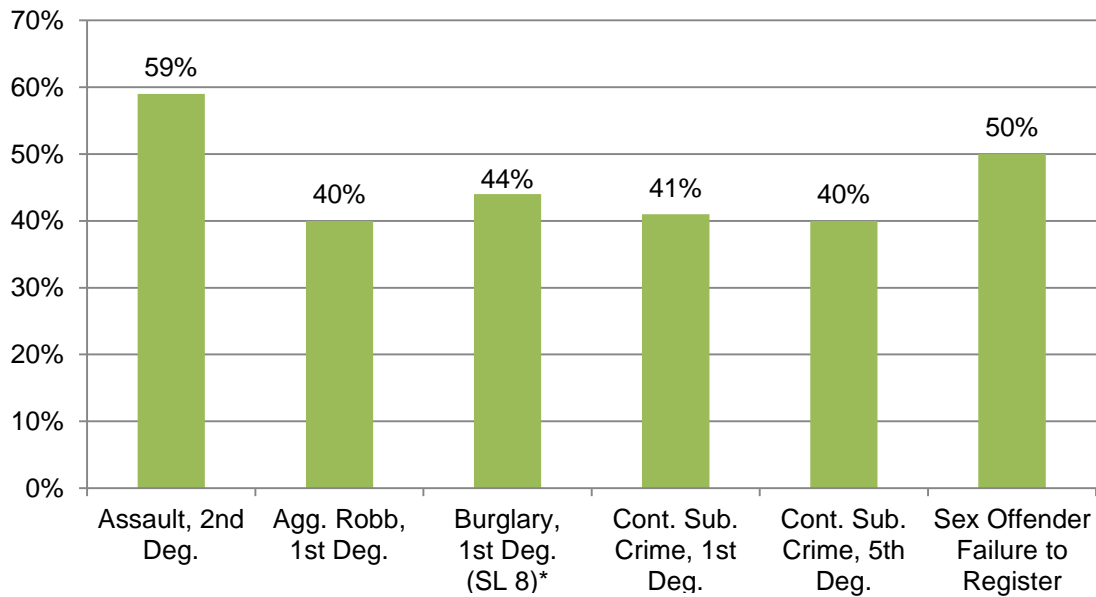
In addition to examining overall departure rates, it can be helpful to look at departure rates by offense type. Figure 13 displays the mitigated dispositional departure rate by offense type. The rate is lowest for property offenses.

**Figure 13. Mitigated Dispositional Departure by Offense Type  
Presumptive Commitments Only**



Even within offense types, departure rates vary. Figure 14 displays the mitigated dispositional departure rates for specific offenses that are higher than the overall rate of 33.2 percent. Included are offenses with 50 or more presumptive commitment cases and mitigated dispositional departure rates of over 38 percent.

**Figure 14. Mitigated Dispositional Departure Rates For Specific Offenses  
Presumptive Commitments Only**

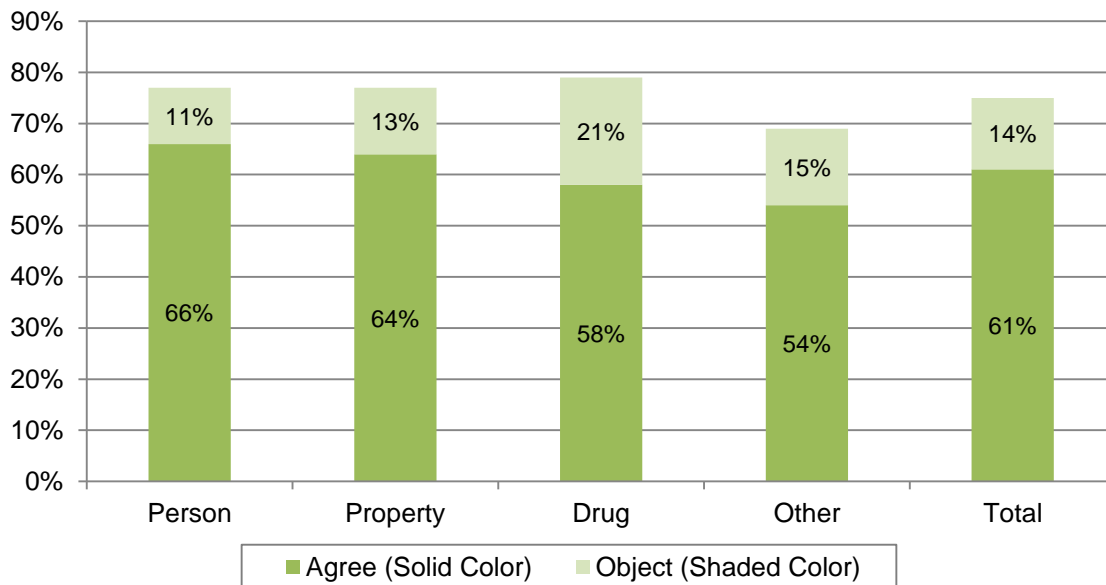


\* Burglary with assault or dangerous weapon.

Two of these offenses, assault in the second degree and failure to register as a predatory offender, have mandatory minimum sentences specified in statute and also have statutory provisions allowing for departure from the mandatory minimum. Assault in the second degree, by statutory definition, involves the use of a dangerous weapon and carries a mandatory minimum prison sentence. However, injury to the victim may or may not occur. The type of dangerous weapon involved can vary widely, from a pool cue to a knife to a firearm. Circumstances surrounding the offense can also vary significantly, from barroom brawls to unprovoked confrontations. The mandatory minimum statute specifically permits the court to sentence without regard to the mandatory minimum, provided that reasons are presented by the court or the prosecutor. It is to be expected that there will be many departures in sentencing a crime that can be committed in many different ways. Failure to register also has a statutory mandatory minimum sentence, accompanied by a statutory provision that allows for sentencing without regard to the mandatory minimum.

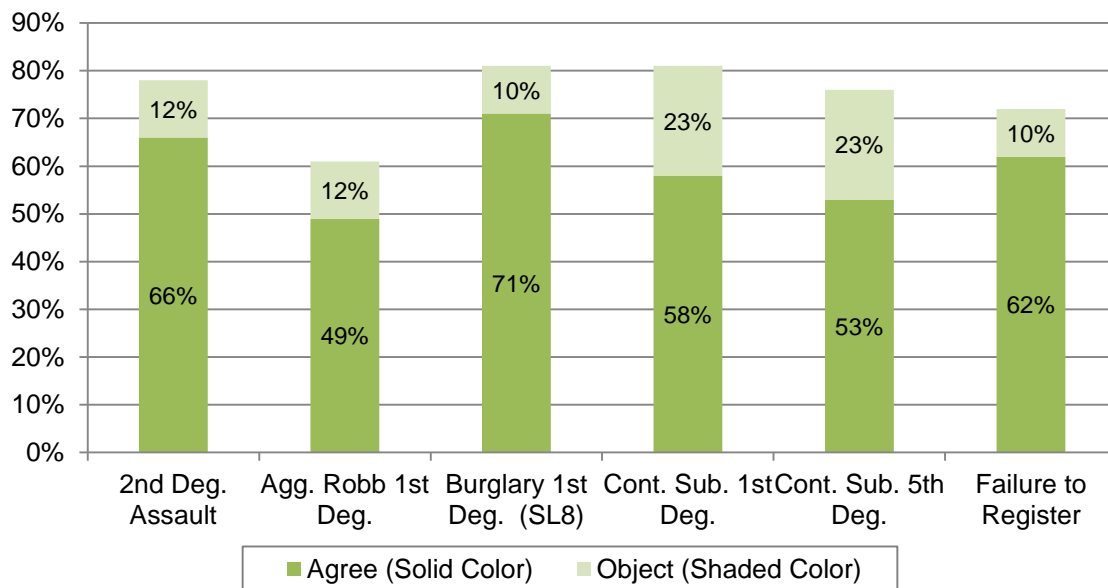
In 61 percent of the mitigated dispositional departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 14 percent of these cases, the court stated that the prosecutor objected to the departure. The court did not supply information on the prosecutor's position in 25 percent of these departures. Prosecutor agreement can vary by offense type (Figure 15) and offense (Figure 16). In all offense categories, amenability to probation and amenability to treatment were the most frequently cited reasons for departure.

**Figure 15. Court-Cited Position of Prosecutor by Offense Type**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100% for each offense.

**Figure 16. Court-Cited Position of Prosecutor by Offense**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100% for each offense.

### *Durational Departures*

**Durational Departure.** A “durational departure” occurs when the court orders a sentence with a duration that is other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid. There are two types of durational departures: aggravated durational departures and mitigated durational departures. An aggravated durational departure occurs when the court pronounces a duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid. A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid.

The overall durational departure figures are given in Tables 25 and 26 (pp. 72-73). This section focuses on departures for executed prison sentences (those offenders for whom a prison sentence was imposed), which are shown in Figure 17. Since the enactment of the Guidelines, the mitigated durational departure rate has consistently been higher than the aggravated durational departure rate.

Both mitigated and aggravated durational departures increased until the early 2000s. The increase in mitigated durational departures was particularly striking in 1997 and in the period immediately following the 1989 changes to sentencing policy. In 2001 and 2002, at almost 30%, the mitigated durational departure rate was the highest since the enactment of the Guidelines. Since then, while the rate has fluctuated from year to year, the mitigated durational departure rate has declined and appears to have leveled off at close to 25%. Likewise, after reaching a high of almost 12 percent in 2000, the aggravated durational departure rate has been slowly declining, but appears to have leveled off at between 3 and 4 percent.

In 2012, the mitigated durational departure rate was slightly higher than observed in 2011, at approximately 25 percent (24.9% compared to 24.6%). The aggravated durational departure rate increased from 2.4 percent in 2011 (the lowest level ever observed) to 3.5 percent. The trend in lower aggravated durational departure rates since the mid 2000s likely reflects the impact of increased presumptive sentences over the past years and issues related to the U.S. Supreme Court ruling in *Blakely v. Washington*, holding that a defendant’s Sixth Amendment right to a jury trial was violated when the sentence imposed was below the stated statutory maximum sentence. The Court treated the presumptive sentence, rather than the statutory maximum sentence, as the punishment that could not be increased without a jury’s input (*Blakely v. Washington*, 1264 S. Ct. 2531 (2004)).

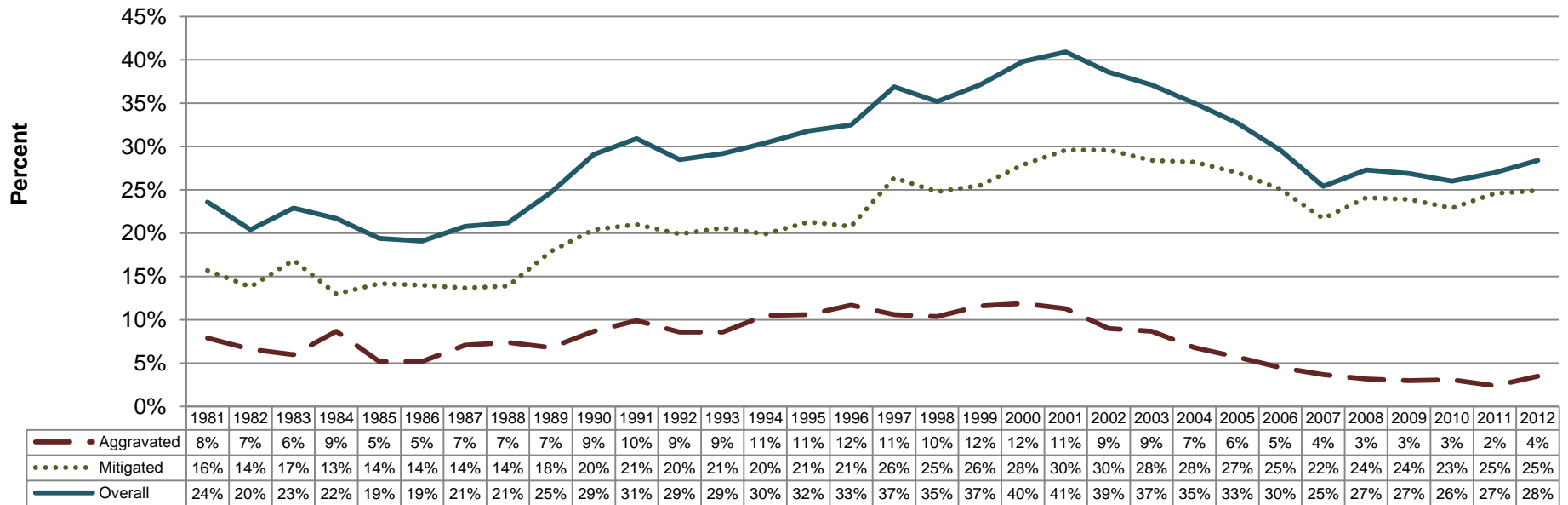
In response to the *Blakely* decision, the ranges on the Standard Grid within which the court may sentence without a departure were widened, effective August 1, 2005, to 15 percent below and 20 percent above the presumptive fixed sentence. See 2005 Minn. Laws, ch. 136, art. 16 § 1. In 2006, a Sex Offender Grid was adopted. The Sex Offender Grid introduced higher presumptive sentences for repeat offenders and offenders with prior criminal history records.<sup>4</sup>

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<sup>4</sup> For a more in-depth examination of the effect of the *Blakely* decision on sentencing practices, see the MSGC special report: *Impact of Blakely and Expanded Ranges on Sentencing Grid*, at: <http://mn.gov/sentencing-guidelines/reports/>



**Figure 17. Durational Departure Rates: 1981-2012  
Executed Prison Sentences Only**



Durational Departure Rates by Gender, Race and Judicial District

Table 27 (Page 74) illustrates durational departure rates for executed prison sentences by gender, race, and judicial district. As a percentage, male offenders received durational departures more frequently than female offenders (25% vs. 23%). When the departure rate is examined by racial composition, the rate varies from a low of 19.5 percent for white offenders to a high of 34 percent for black offenders. There is also considerable variation in mitigated durational departure rates by judicial district, ranging from a low of 10.6 percent in the Eighth Judicial District to a high of 51.9 percent in the Fourth Judicial District.

Durational Departures by Offense Type

As with dispositional departures, it can be useful to look at durational departures by offense type. As Figure 18 demonstrates, offenses in the drug and other categories have higher mitigated durational departure rates and lower aggravated durational departure rates than other offense types. The offenses in the “other” category with the highest mitigated durational departures are failure to register as a predatory offender, fleeing police, and possession of a firearm by an ineligible felon. Person offenses had the highest aggravated durational departure rate at five percent.

**Figure 18. Durational Departures by Offense Type  
Executed Prison Sentences Only**

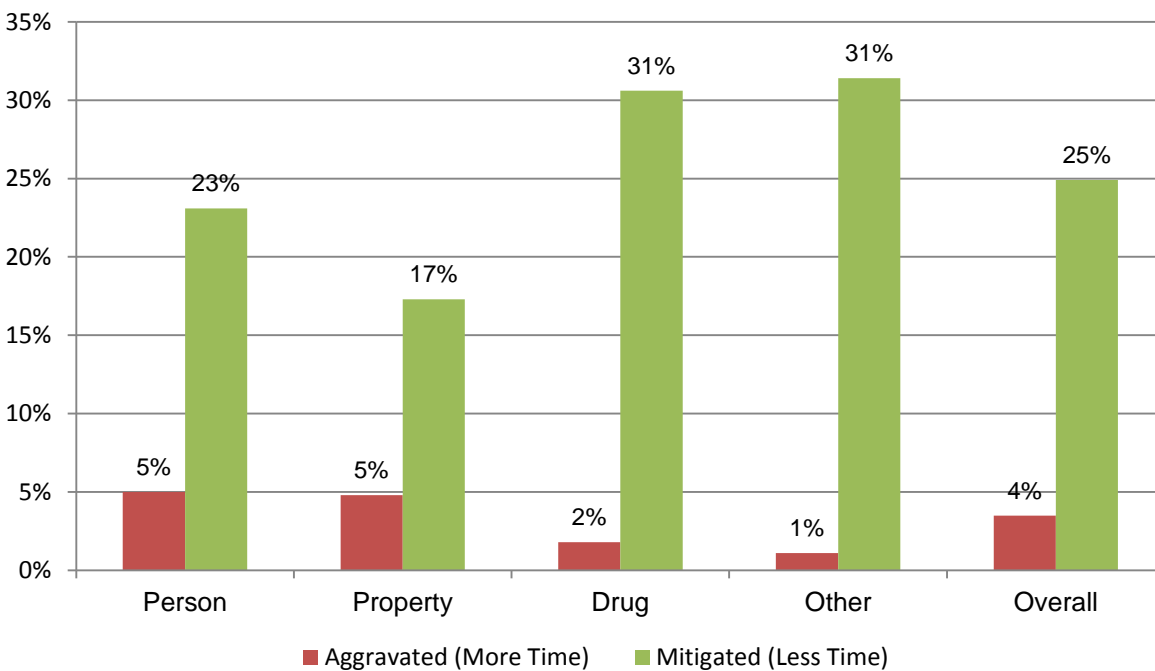
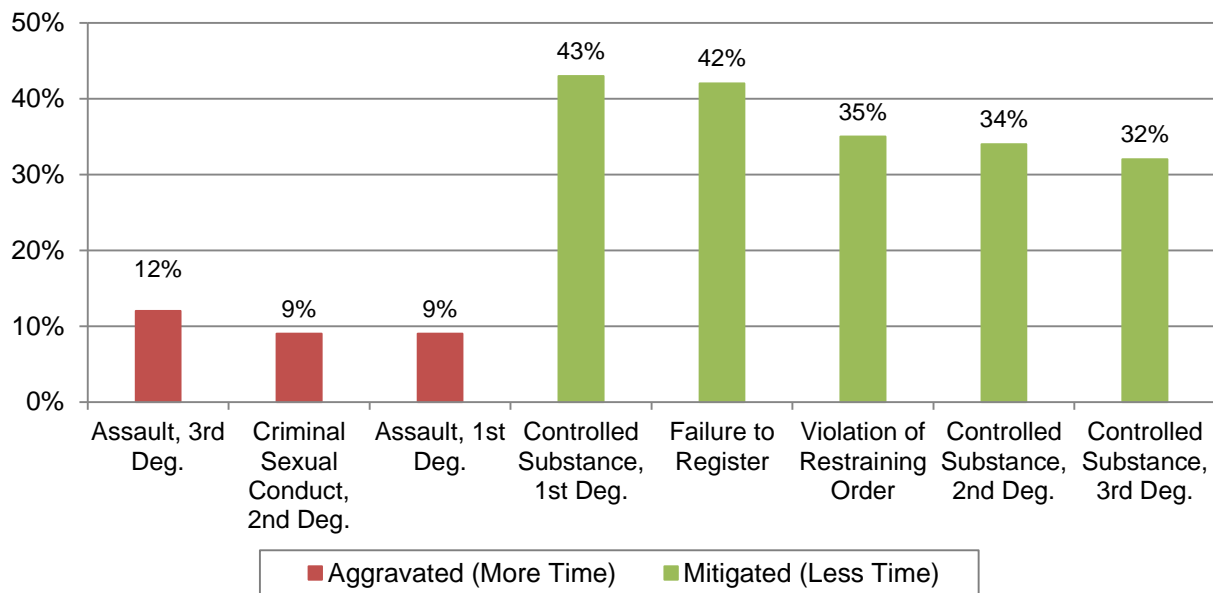


Figure 19 displays offenses with the highest durational departure rates among offenses with at least 45 executed prison cases. Aggravated durational departure rates were highest for first-degree assault, second-degree criminal sexual conduct, and third-degree assault. Mitigated durational departure rates were highest for first-, second-, and third-degree controlled substance offenses, failure to register as a predatory offender, and violations of a restraining order

**Figure 19. High Durational Departure Rates for Specific Offenses Executed Prison Sentences Only**

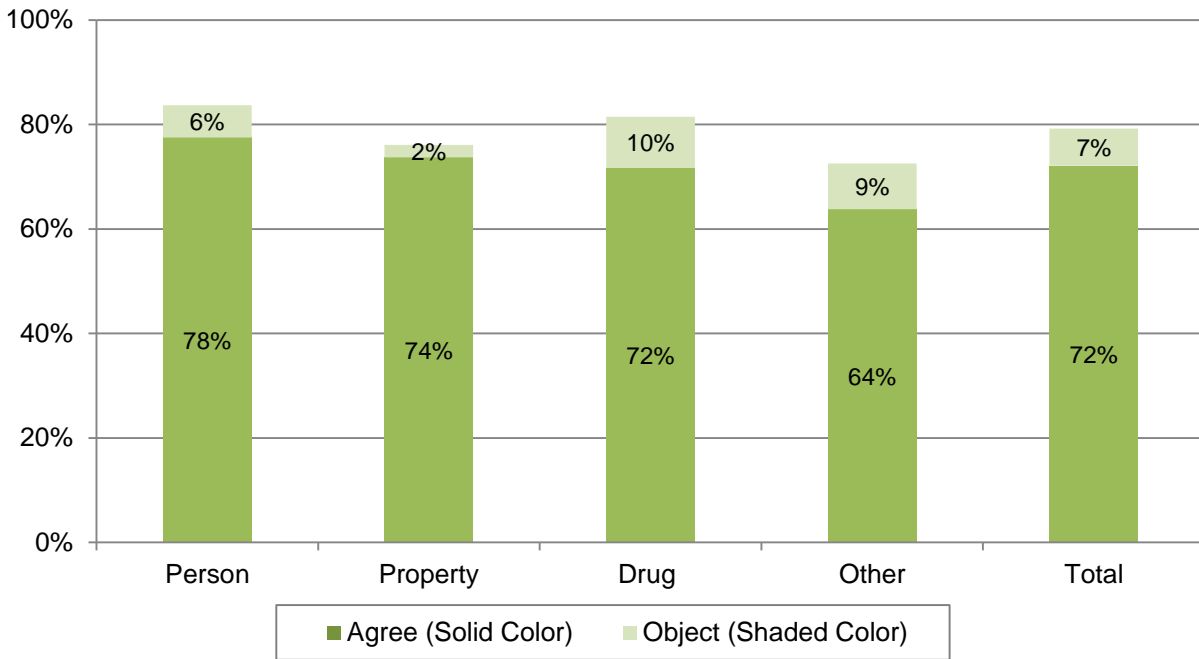


For both mitigated and aggravated durational departures, plea agreement or recommendation of the prosecutor was the most frequently cited reason for departure for all offense types.

In 72 percent of the mitigated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure (Figure 20). In seven percent of these cases, the court stated that the prosecutor objected to the departure. These rates varied somewhat by offense (Figure 21).

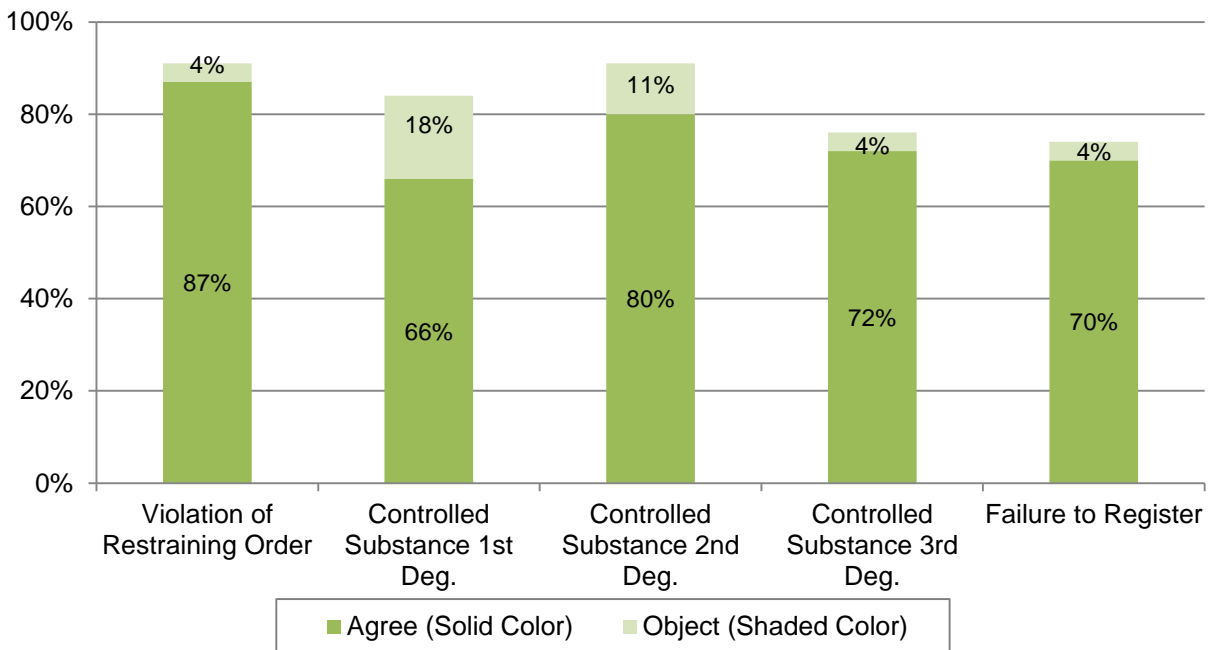
In 61 percent of the aggravated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 38 percent of the aggravated durational departures, the court did not provide information on the position of the prosecutor. There were no cases in which the court stated that the prosecutor objected to the aggravated durational departure (Figure 22).

**Figure 20. Mitigated Durational Departures:  
Court-Cited Position of Prosecutor, by Offense Type**



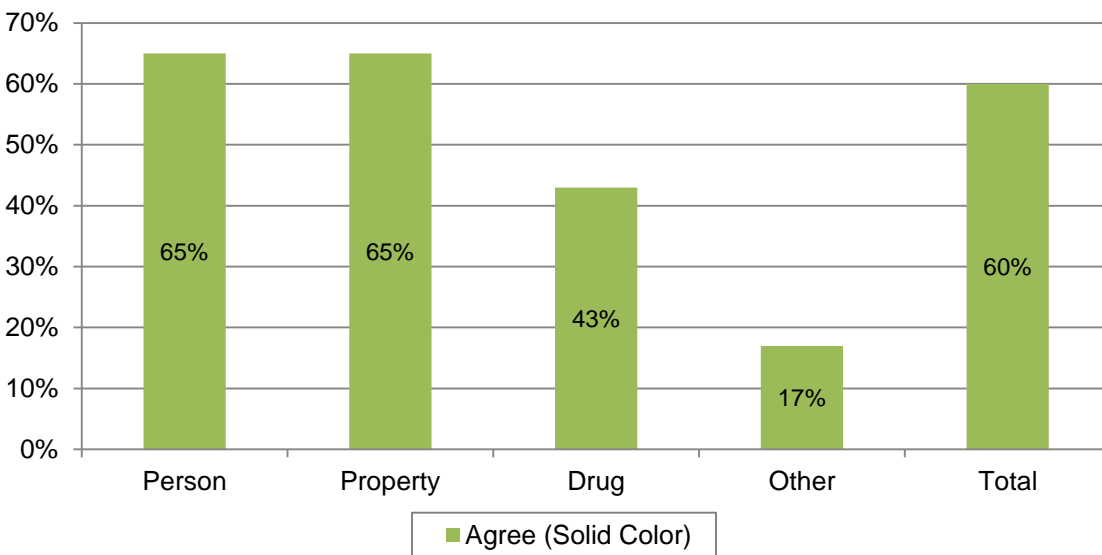
Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense.

**Figure 21. Mitigated Durational Departures:  
Court-Cited Position of Prosecutor, by Offense Type**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense.

**Figure 22. Aggravated Durational Departures:  
Court-Cited Position of Prosecutor by Offense Type**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense.

## Data Tables

### *Felony Convictions Receiving Misd./Gross Misd. Sentences*

Under Minn. Stat. § [609.13](#), if the court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross misdemeanor or misdemeanor. The sentence is a departure because it is outside of the appropriate range on the applicable Grid (i.e., a duration of less than one year and one day). There are relatively few of these departures each year, though the number has been steadily increasing over time. In 2012, nearly six percent of offenders received a misdemeanor or gross misdemeanor sentence, the highest percentage ever observed (Table 4).

**Table 4. Percent of Felony-Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences: 1981-2012**

Year	Total Number of Offenders	Number Receiving Non-Felony Sentences	Percent Receiving Non-Felony Sentences
2012	15,207	865	5.7%
2011	14,571	793	5.4%
2010	14,311	754	5.3%
2009	14,840	584	3.9%
2008	15,394	498	3.2%
2007	16,168	512	3.2%
2006	16,446	440	2.7%
2005	15,462	305	2.0%
2004	14,751	341	2.3%
2003	14,492	365	2.5%
2002	12,978	295	2.3%
2001	10,796	235	2.2%
2000	10,395	215	2.1%
1999	10,634	215	2.0%
1998	10,887	216	2.0%
1997	9,847	137	1.4%
1996	9,480	144	1.5%
1995	9,421	89	0.9%
1994	9,787	110	1.1%
1993	9,637	125	1.3%
1992	9,325	89	1.0%
1991	9,161	87	1.0%
1990	8,844	67	0.8%
1989	7,974	61	0.8%
1988	7,572	52	0.7%
1987	6,674	60	0.9%
1986	6,032	55	0.9%
1985	6,236	62	1.0%
1984	5,792	58	1.0%
1983	5,562	44	0.8%
1982	6,066	66	1.1%
1981	5,500	115	2.1%

## Case Volume and Distribution

Table 5. Volume of Offenders by Gender: 1981-2012

Year	Total Number Offenders	Males		Females	
		Number	Percent	Number	Percent
2012	15,207	12,699	83.5	2,508	16.5
2011	14,571	12,150	83.4	2,421	16.6
2010	14,311	11,926	83.3	2,385	16.7
2009	14,840	12,293	82.8	2,547	17.2
2008	15,394	12,654	82.2	2,740	17.8
2007	16,168	13,322	82.4	2,846	17.6
2006	16,446	13,549	82.4	2,897	17.6
2005	15,462	12,687	82.1	2,775	17.9
2004	14,751	12,063	81.8	2,688	18.2
2003	14,492	12,027	83.0	2,465	17.0
2002	12,978	10,654	82.1	2,324	17.9
2001	10,796	8,829	81.8	1,967	18.2
2000	10,395	8,565	82.4	1,830	17.6
1999	10,634	8,771	82.5	1,863	17.5
1998	10,887	8,998	82.6	1,889	17.4
1997	9,847	8,073	82.0	1,774	18.0
1996	9,480	7,781	82.1	1,699	17.9
1995	9,421	7,739	82.1	1,682	17.9
1994	9,787	8,067	82.4	1,720	17.6
1993	9,637	8,011	83.1	1,626	16.9
1992	9,325	7,834	84.0	1,491	16.0
1991	9,161	7,727	84.3	1,434	15.7
1990	8,844	7,405	83.7	1,439	16.3
1989	7,974	6,661	83.5	1,313	16.5
1988	7,572	6,358	84.0	1,214	16.0
1987	6,674	5,574	83.5	1,100	16.5
1986	6,032	5,078	84.2	954	15.8
1985	6,236	5,278	84.6	958	15.4
1984	5,792	5,050	87.2	742	12.8
1983	5,562	4,788	86.1	774	13.9
1982	6,066	5,248	86.5	818	13.5
1981	5,500	4,896	89.0	604	11.0

Table 6. Volume of Offenders by Offense Type: 1981-2012

Year	Person		Property		Drug		Other		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total
2012	4,841	31.8%	4,604	30.3%	3,552	23.4%	2,210	14.5%	15,207
2011	4,679	32.1%	4,232	29.0%	3,409	23.4%	2,251	15.4%	14,571
2010	4,599	32.1%	4,334	30.3%	3,326	23.2%	2,052	14.3%	14,311
2009	4,509	30.4%	4,651	31.3%	3,578	24.1%	2,102	14.2%	14,840
2008	4,244	27.6%	5,003	32.5%	3,878	25.2%	2,269	14.7%	15,394
2007	4,121	25.5%	5,650	34.9%	4,167	25.8%	2,230	13.8%	16,168
2006	3,841	23.4%	5,888	35.8%	4,485	27.3%	2,232	13.6%	16,446
2005	3,396	22.0%	5,455	35.3%	4,366	28.2%	2,245	14.5%	15,462
2004	3,180	21.6%	5,349	36.3%	4,038	27.4%	2,184	14.8%	14,751
2003	3,152	21.7%	5,395	37.2%	3,896	26.9%	2,049	14.1%	14,492
2002	2,951	22.7%	5,271	40.6%	3,424	26.4%	1,332	10.3%	12,978
2001	2,667	24.7%	4,470	41.4%	2,596	24.0%	1,063	9.8%	10,796
2000	2,575	24.8%	4,291	41.3%	2,596	25.0%	933	9.0%	10,395
1999	2,714	25.5%	4,634	43.6%	2,391	22.5%	895	8.4%	10,634
1998	2,783	25.6%	4,732	43.5%	2,542	23.3%	830	7.6%	10,887
1997	2,543	25.8%	4,651	47.2%	2,127	21.6%	526	5.3%	9,847
1996	2,620	27.6%	4,731	49.9%	1,695	17.9%	434	4.6%	9,480
1995	2,726	28.9%	4,527	48.1%	1,719	18.2%	449	4.8%	9,421
1994	2,881	29.4%	4,777	48.8%	1,692	17.3%	437	4.5%	9,787
1993	2,602	27.0%	4,932	51.2%	1,800	18.7%	303	3.1%	9,637
1992	2,438	26.1%	4,742	50.9%	1,830	19.6%	315	3.4%	9,325
1991	2,305	25.2%	4,897	53.5%	1,693	18.5%	266	2.9%	9,161
1990	2,246	25.4%	4,589	51.9%	1,811	20.5%	198	2.2%	8,844
1989	1,862	23.4%	4,296	53.9%	1,602	20.1%	214	2.7%	7,974
1988	1,881	24.8%	4,310	56.9%	1,180	15.6%	201	2.7%	7,572
1987	1,577	23.6%	4,145	62.1%	766	11.5%	186	2.8%	6,674
1986	1,377	22.8%	3,867	64.1%	651	10.8%	137	2.3%	6,032
1985	1,590	25.5%	3,841	61.6%	651	10.4%	154	2.5%	6,236
1984	1,484	25.6%	3,561	61.5%	620	10.7%	127	2.2%	5,792
1983	1,204	21.6%	3,664	65.9%	585	10.5%	109	2.0%	5,562
1982	1,267	20.9%	3,965	65.4%	689	11.4%	145	2.4%	6,066
1981	1,145	20.8%	3,438	62.5%	808	14.7%	109	2.0%	5,500



Table 7. Volume of Offenders by Race/Ethnicity: 1981-2012

Year	Total Number Offenders	White		Black		American Indian		Hispanic		Asian		Other	
		#	%	#	%	#	%	#	%	#	%	#	%
2012	15,207	8,777	57.7	4,073	26.8	1,080	7.1	908	6.0	361	2.4	8	0.1
2011	14,571	8,346	57.3	4,007	27.5	998	6.8	864	5.9	356	2.4	0	0.0
2010	14,311	8,125	56.8	3,975	27.8	934	6.5	946	6.6	331	2.3	0	0.0
2009	14,840	8,384	56.5	4,175	28.1	965	6.5	1005	6.8	311	2.1	0	0.0
2008	15,394	8,970	58.3	4,255	27.6	918	6.0	901	5.9	348	2.3	2	0.0
2007	16,168	9,684	59.9	4,213	26.1	1,020	6.3	912	5.6	334	2.1	5	0.0
2006	16,446	10,133	61.6	4,110	25.0	973	5.9	900	5.5	326	2.0	4	0.0
2005	15,462	9,615	62.2	3,742	24.2	930	6.0	848	5.5	308	2.0	19	0.1
2004	14,751	9,278	62.9	3,620	24.5	922	6.3	691	4.7	240	1.6	0	0.0
2003	14,492	8,983	62.0	3,513	24.2	899	6.2	737	5.1	322	2.2	38	0.3
2002	12,978	7,804	60.1	3,460	26.7	709	5.5	697	5.4	237	1.8	71	0.5
2001	10,796	6,462	59.9	2,910	27.0	651	6.0	558	5.2	211	2.0	4	0.0
2000	10,395	6,096	58.6	2,915	28.0	599	5.8	558	5.4	158	1.5	69	0.7
1999	10,634	6,255	58.8	2,944	27.7	614	5.8	585	5.5	181	1.7	55	0.5
1998	10,887	6,491	59.6	3,027	27.8	588	5.4	565	5.2	162	1.5	54	0.5
1997	9,847	5,813	59.0	2,809	28.5	560	5.7	489	5.0	132	1.3	44	0.4
1996	9,480	5,680	59.9	2,541	26.8	516	5.4	534	5.6	168	1.8	41	0.4
1995	9,421	5,793	61.5	2,537	26.9	455	4.8	457	4.9	152	1.6	27	0.3
1994	9,787	6,166	63.0	2,401	24.5	515	5.3	505	5.2	176	1.8	24	0.2
1993	9,637	6,249	64.8	2,224	23.1	535	5.6	459	4.8	132	1.4	38	0.4
1992	9,325	6,311	67.7	2,085	22.4	432	4.6	360	3.9	105	1.1	32	0.3
1991	9,161	6,392	69.8	1,813	19.8	468	5.1	368	4.0	91	1.0	29	0.3
1990	8,844	6,310	71.3	1,732	19.6	408	4.6	300	3.4	69	0.8	25	0.3
1989	7,974	5,767	72.3	1,510	18.9	412	5.2	215	2.7	46	0.6	24	0.3
1988	7,572	5,483	72.4	1,437	19.0	397	5.2	203	2.7	35	0.5	17	0.2
1987	6,674	5,073	76.0	1,066	16.0	367	5.5	124	1.9	27	0.4	17	0.3
1986	6,032	4,627	76.7	865	14.3	337	5.6	160	2.7	25	0.4	18	0.3
1985	6,236	4,815	77.2	898	14.4	332	5.3	143	2.3	19	0.3	29	0.5
1984	5,792	4,608	79.6	735	12.7	301	5.2	113	2.0	16	0.3	19	0.3
1983	5,562	4,406	79.2	748	13.4	271	4.9	114	2.1	9	0.2	15	0.3
1982	6,066	4,912	81.0	751	12.4	263	4.3	103	1.7	16	0.3	21	0.3
1981	5,500	4,498	81.8	596	10.8	306	5.6	86	1.6	10	0.2	4	0.1

Table 8. Offenses by Race: 2012

Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
<b>Person Offenses</b>	4,841	48.5%	34.5%	8.1%	6.9%	2.0%	0.1%
Accidents	2	100%	0.0%	0.0%	0.0%	0.0%	0.0%
Aggravated Robbery 1	206	24.8%	59.2%	11.7%	3.9%	0.5%	0.0%
Aggravated Robbery 2	43	30.2%	62.8%	4.7%	2.3%	0.0%	0.0%
Assault 1	60	35.0%	46.7%	8.3%	3.3%	5.0%	1.7%
Assault 2	359	45.1%	32.9%	8.1%	9.5%	4.5%	0.0%
Assault 3	382	51.0%	28.8%	12.3%	5.8%	2.1%	0.0%
Assault 4	157	55.4%	21.7%	18.5%	4.5%	0.0%	0.0%
Assault 5	72	45.8%	27.8%	15.3%	9.7%	1.4%	0.0%
Coercion	4	50.0%	25.0%	25.0%	0.0%	0.0%	0.0%
Burglary 1 (severity=8)	96	46.9%	33.3%	10.4%	5.2%	4.2%	0.0%
Criminal Sexual Conduct (CSC) 1	136	60.3%	22.1%	5.9%	9.6%	2.2%	0.0%
CSC 2	135	66.7%	11.1%	3.7%	18.5%	0.0%	0.0%
CSC 3	184	65.8%	14.7%	6.0%	12.0%	1.6%	0.0%
CSC 4	89	66.3%	11.2%	9.0%	10.1%	3.4%	0.0%
CSC 5	0						
Criminal Vehicular Homicide	38	81.6%	7.9%	7.9%	2.6%	0.0%	0.0%
Crim. Vehicular Injury (severity=3)	60	78.3%	8.3%	8.3%	3.3%	1.7%	0.0%
Crim. Vehicular Injury (severity=5)	27	81.5%	11.1%	3.7%	3.7%	0.0%	0.0%
Domestic Assault	541	39.2%	42.0%	11.5%	6.1%	1.3%	0.0%
Domestic Assault by Strangulation	298	42.6%	41.9%	4.7%	9.7%	1.0%	0.0%
Drive-by Shooting	16	56.3%	25.0%	6.3%	6.3%	6.3%	0.0%
False Imprisonment	15	80.0%	6.7%	6.7%	6.7%	0.0%	0.0%
Kidnapping(severity=8/9)	11	18.2%	54.5%	0.0%	9.1%	18.2%	0.0%
Kidnapping (severity=6)	9	66.7%	22.2%	0.0%	11.1%	0.0%	0.0%
Malicious Punishment of a Child	28	46.4%	32.1%	7.1%	7.1%	7.1%	0.0%
Manslaughter 1 (severity=9)	2	50.0%	50.0%	33.3%	0.0%	0.0%	0.0%
Manslaughter 1 (severity=8)	1	100%	0.0%	0.0%	0.0%	0.0%	0.0%
Manslaughter 2 (severity=8)	10	60.0%	20.0%	10.0%	10.0%	0.0%	0.0%
Murder 1	14	28.6%	64.3%	0.0%	0.0%	7.1%	0.0%
Murder 2 (severity=10)	19	31.6%	36.8%	10.5%	21.1%	0.0%	0.0%
Murder 2 (severity=11)	40	25.0%	50.0%	15.0%	5.0%	5.0%	0.0%

\* Includes offenders categorized under the "unknown/other" race type.

# Sentencing Practices | 2012

Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Murder 3	8	75.0%	25.0%	0.0%	0.0%	0.0%	0.0%
Other Person Offenses**	38	55.3%	26.3%	10.5%	7.9%	0.0%	0.0%
Parental Rights	13	53.8%	15.4%	7.7%	23.1%	0.0%	0.0%
Prostitution	29	13.8%	79.3%	0.0%	3.4%	0.0%	0.0%
Simple Robbery	155	30.3%	60.6%	3.9%	4.5%	0.6%	0.0%
Solicit Minor for Sex	32	78.1%	6.3%	3.1%	9.4%	3.1%	0.0%
Stalking (severity=4)	29	69.0%	27.6%	0.0%	3.4%	0.0%	0.0%
Stalking (severity=5)	53	54.7%	32.1%	11.3%	1.9%	0.0%	0.0%
Terroristic Threats (severity=1, 2)	24	52.5%	20.8%	4.2%	4.2%	4.2%	4.2%
Terroristic Threats (severity=4)	725	55.4%	29.1%	6.6%	5.7%	2.9%	0.3%
Violate Restraining Order	669	43.8%	43.9%	5.1%	5.7%	1.5%	0.0%
Property Offenses	4,604	61.4%	24.3%	6.8%	4.7%	2.8%	0.1%
Arson 1	20	65.0%	20.0%	10.0%	0.0%	5.0%	0.0%
Arson 2	19	84.2%	10.5%	0.0%	0.0%	5.3%	0.0%
Arson 3	10	100%	0.0%	0.0%	0.0%	0.0%	0.0%
Burglary 1 (severity=6)	205	48.8%	37.1%	7.3%	4.9%	2.0%	0.0%
Burglary 2 (severity=4)	59	76.3%	15.3%	3.4%	5.1%	0.0%	0.0%
Burglary 2 (severity=5)	515	54.8%	30.3%	6.8%	6.4%	1.7%	0.0%
Burglary 3	517	71.8%	19.0%	4.8%	3.9%	0.6%	0.0%
Check Forgery (severity=1)	19	73.7%	15.8%	5.3%	5.3%	0.0%	0.0%
Check Forgery (severity=2)	300	55.3%	32.7%	4.7%	3.7%	3.7%	0.0%
Check Forgery (severity=3)	68	58.8%	30.9%	4.4%	2.9%	2.9%	0.0%
Check Forgery (severity=5)	3	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
Counterfeit Check	34	44.1%	47.1%	2.9%	2.9%	2.9%	0.0%
Criminal Damage to Property	180	67.2%	17.2%	7.8%	6.1%	1.7%	0.0%
Financial Transaction Card Fraud	278	58.3%	31.7%	6.5%	1.4%	2.2%	0.0%
Identity Theft	62	41.9%	22.6%	4.8%	22.6%	8.1%	0.0%
Issue Dishonored Check	112	79.5%	10.7%	4.5%	2.7%	1.8%	0.9%
Mail Theft	11	90.9%	9.1%	0.0%	0.0%	0.0%	0.0%
MV Use w/o Consent (severity=3)	364	57.7%	19.8%	11.0%	3.3%	8.0%	0.3%
Other Forgery	36	33.3%	5.6%	0.0%	61.1%	0.0%	0.0%
Other Property Offenses**	53	77.4%	18.9%	1.9%	1.9%	0.0%	0.0%
Poss. Shoplifting Gear	18	61.1%	16.7%	16.7%	5.6%	0.0%	0.0%
Possess Burglary Tools	146	61.0%	20.5%	5.5%	2.1%	11.0%	0.0%

\*\* Offenses having low numbers of offenders are grouped in the "other" categories.

\*\* Offenses having low numbers of offenders are grouped in the "other" categories.

# Sentencing Practices | 2012

Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Receiving Stolen Property	341	65.1%	19.1%	10.6%	2.6%	2.6%	0.0%
Theft	915	64.9%	22.6%	6.8%	3.4%	2.2%	0.1%
Theft from Person	85	17.6%	67.1%	10.6%	3.5%	1.2%	0.0%
Theft of a Firearm	29	75.9%	13.8%	6.9%	3.4%	0.0%	0.0%
Theft of MV (severity=4)	51	70.6%	7.8%	13.7%	3.9%	3.9%	0.0%
Theft Over \$35,000	56	82.1%	16.1%	0.0%	1.8%	0.0%	0.0%
Wrongfully Obtaining Assistance	98	48.0%	26.5%	5.1%	17.3%	3.1%	0.0%
Drug Offenses	3,552	63.8%	21.1%	6.1%	6.4%	2.6%	0.0%
Con Sub Intent to Manufacture	14	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Controlled Substance 1	245	43.3%	26.1%	2.4%	25.7%	2.4%	0.0%
Controlled Substance 2	286	48.3%	32.2%	5.2%	11.2%	3.1%	0.0%
Controlled Substance 3	558	57.9%	26.7%	5.6%	7.0%	2.9%	0.0%
Controlled Substance 4	147	63.3%	21.8%	6.8%	6.8%	1.4%	0.0%
Controlled Substance 5	2,255	69.4%	17.6%	6.8%	3.6%	2.6%	0.0%
Other Drug Offenses**	47	59.6%	29.8%	2.1%	8.5%	0.0%	0.0%
Other Offenses	2,210	60.5%	24.3%	7.2%	5.9%	2.0%	0.0%
Accomplice After the Fact	14	42.9%	50.0%	0.0%	7.1%	0.0%	0.0%
Aid Offender	29	58.6%	17.2%	17.2%	6.9%	0.0%	0.0%
Bribery	2	100%	0.0%	0.0%	0.0%	0.0%	0.0%
Child Porn	104	91.3%	3.8%	0.0%	3.8%	1.0%	0.0%
Discharge Firearm	39	51.3%	33.3%	5.1%	2.6%	7.7%	0.0%
Escape (severity=3)	69	56.5%	21.7%	15.9%	4.3%	1.4%	0.0%
Fail to Register	391	52.7%	28.9%	8.4%	6.6%	3.1%	0.3%
Failure to Appear	18	50.0%	5.6%	27.8%	16.7%	0.0%	0.0%
Felon with Gun	321	42.1%	45.8%	6.5%	3.1%	2.5%	0.0%
Felony DWI	631	68.0%	15.7%	7.6%	7.8%	1.0%	0.0%
Flee Police in MV	377	64.2%	21.2%	8.2%	4.2%	2.1%	0.0%
Lottery Fraud	7	85.7%	14.3%	0.0%	0.0%	0.0%	0.0%
Obstruct Legal Process	5	60.0%	20.0%	0.0%	20.0%	0.0%	0.0%
Other "Other" Offenses**	163	63.8%	25.8%	0.6%	6.7%	3.1%	0.0%
Other Weapon Related	34	58.8%	23.5%	8.8%	5.9%	2.9%	0.0%
Perjury	6	66.7%	16.7%	0.0%	16.7%	0.0%	0.0%
Tamper with Witness	12	41.7%	25.0%	33.3%	0.0%	0.0%	0.0%
<b>Total</b>	<b>15,207</b>	<b>57.7%</b>	<b>26.8%</b>	<b>7.1%</b>	<b>6.0%</b>	<b>2.4%</b>	<b>0.1%</b>

\*\* Offenses having low numbers of offenders are grouped in the "other" categories.

**Table 9. Volume of Offenders by Judicial District: 1981-2012**

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2012	1,898	2,099	1,296	2,891	819	930	1,499	417	1,323	2,035
2011	1,756	1,961	1,232	2,936	661	921	1,472	401	1,183	2,048
2010	1,762	1,794	1,346	2,987	700	861	1,393	401	1,098	1,969
2009	1,611	2,010	1,285	3,278	720	835	1,512	402	1,141	2,046
2008	1,634	2,009	1,355	3,337	802	866	1,631	400	1,170	2,190
2007	1,818	2,060	1,440	3,403	818	880	1,706	387	1,202	2,454
2006	1,800	2,057	1,348	3,630	822	1,014	1,646	432	1,220	2,477
2005	1,833	2,032	1,221	3,096	741	930	1,653	389	1,216	2,351
2004	1,648	1,928	1,206	3,177	664	837	1,579	392	1,206	2,114
2003	1,899	1,955	1,173	3,095	660	854	1,483	343	1,100	1,930
2002	1,468	1,901	878	2,984	611	793	1,253	298	1,012	1,780
2001	1,229	1,670	750	2,516	420	672	1,013	238	834	1,454
2000	1,031	1,637	613	2,761	419	604	948	264	833	1,285
1999	1,205	1,590	603	2,739	390	627	985	261	792	1,442
1998	1,043	1,834	588	2,782	498	694	999	274	814	1,361
1997	953	1,647	526	2,449	424	577	897	234	750	1,390
1996	968	1,636	487	2,134	487	543	871	214	860	1,280
1995	975	1,735	516	2,158	447	525	864	192	760	1,249
1994	1,036	1,673	565	2,273	542	547	921	181	762	1,287
1993	865	1,497	673	2,289	529	541	965	234	794	1,250
1992	891	1,499	527	2,370	482	546	810	192	726	1,282
1991	909	1,466	567	2,345	444	535	742	233	698	1,222
1990	811	1,501	562	2,258	385	530	683	209	681	1,224
1989	711	1,212	507	2,183	344	496	620	218	608	1,075
1988	624	1,133	452	2,213	314	424	713	141	605	953
1987	591	984	454	1,551	353	454	674	149	547	917
1986	478	1,038	394	1,324	375	469	595	180	503	676
1985	520	945	431	1,490	310	412	615	173	602	738
1984	477	860	375	1,362	325	417	565	194	522	695
1983	409	965	383	1,248	317	438	514	165	440	683
1982	545	992	411	1,268	391	459	532	203	446	819
1981	413	784	382	1,287	315	551	439	186	503	640

**How to read Table 10:** Due to the addition of a severity level on the Standard Grid for offenses committed on or after August 1, 2002, it was necessary to modify the way this information is reported. The severity levels reflected in this table represent the current ranking of an offense. Offenses formerly ranked at Severity Levels 8, 9, and 10 are reported here as Severity Levels 9, 10, and 11, to reflect their current rankings; the presumptive sentence for these offenses did not change. In August 2006, the Sex Offender Grid went into effect. Those offenders are excluded from the table displaying the distribution by severity level groups.

**Table 10. Volume of Offenders by Severity Level Group and Criminal History Score Group:1978, 1981-2012**

Year	Distribution by Severity Level Group						Distribution by Criminal History Score Group					
	Severity Level I-IV		Severity Level V-VII		Severity Level VIII-XII		CHS 0		CHS 1 - 3		CHS 4 or more	
	#	%	#	%	#	%	#	%	#	%	#	%
2012	9,995	65.7	3,037	20.0	1,136	7.5	5,266	34.6	6,369	41.9	3,572	23.5
2011	9,746	66.9	2,697	18.5	1,139	7.8	5,228	35.9	6,072	41.7	3,271	22.4
2010	9,479	66.2	2,717	19.0	1,168	8.2	5,502	38.4	5,731	40.0	3,078	21.5
2009	9,736	65.6	2,845	19.2	1,399	9.4	5,778	38.9	6,003	40.5	3,059	20.6
2008	10,178	66.1	2,958	19.2	1,486	9.7	5,851	38.0	6,354	41.3	3,189	20.7
2007	11,184	69.2	3,027	18.7	1,522	9.4	6,325	39.1	6,744	41.7	3,099	19.2
2006	11,668	70.9	3,183	19.4	1,582	9.6	6,758	41.1	6,600	40.1	3,088	18.8
2005	10,632	68.8	3,231	20.9	1,599	10.3	6,328	40.9	6,295	40.7	2,839	18.4
2004	9,994	67.8	3,111	21.1	1,646	11.2	6,160	41.8	5,933	40.2	2,658	18.0
2003	9,614	66.3	3,041	21.0	1,837	12.7	6,072	41.9	5,865	40.5	2,554	17.6
2002	9,283	71.5	2,180	16.8	1,515	11.7	5,619	43.3	4,955	38.2	2,404	18.5
2001	7,731	71.6	1,880	17.4	1,185	11.0	4,740	43.9	4,187	38.8	1,869	17.3
2000	7,406	71.2	1,892	18.2	1,097	10.6	4,713	45.3	3,897	37.5	1,785	17.2
1999	7,848	73.8	1,715	16.1	1,071	10.1	4,786	45.0	4,090	38.5	1,758	16.5
1998	8,044	73.9	1,744	16.0	1,099	10.1	4,903	45.0	4,183	38.4	1,801	16.5
1997	7,190	73.0	1,694	17.2	963	9.8	4,501	45.7	3,636	36.9	1,710	17.4
1996	6,889	72.7	1,655	17.5	936	9.9	4,401	46.4	3,480	36.7	1,599	16.9
1995	6,716	71.3	1,805	19.2	900	9.6	4,464	47.4	3,373	35.8	1,584	16.8
1994	6,968	71.2	1,854	18.9	965	9.9	4,897	50.0	3,385	34.6	1,505	15.4
1993	6,751	70.1	1,901	19.7	985	10.2	4,845	50.3	3,270	33.9	1,522	15.8
1992	6,554	70.3	1,888	20.2	883	9.5	4,724	50.7	3,164	33.9	1,437	15.4
1991	6,711	73.3	1,671	18.2	779	8.5	4,775	52.1	3,039	33.2	1,347	14.7
1990	6,281	71.0	1,774	20.1	789	8.9	4,594	51.9	3,015	34.1	1,235	14.0
1989	5,612	70.4	1,723	21.6	639	8.0	3,989	50.0	2,704	33.9	1,281	16.1
1988	5,402	71.3	1,611	21.3	559	7.4	3,849	50.8	2,493	32.9	1,230	16.2
1987	4,863	72.9	1,356	20.3	455	6.8	3,372	50.5	2,234	33.5	1,068	16.0
1986	4,502	74.6	1,114	18.5	416	6.9	3,149	52.2	2,025	33.6	858	14.2
1985	4,514	72.4	1,245	20.0	477	7.6	3,243	52.0	2,076	33.4	917	14.7
1984	4,211	72.7	1,122	19.4	459	7.9	3,111	53.7	1,950	33.7	731	12.6
1983	4,413	79.3	757	13.6	392	7.0	2,964	53.3	1,871	33.6	727	13.1
1982	4,896	80.7	735	12.1	435	7.2	3,545	58.4	1,812	29.9	709	11.7
1981	4,487	81.6	644	11.7	369	6.7	3,399	61.8	1,650	30.0	451	8.2
1978	3,406	78.0	609	13.9	355	8.1	2,554	58.5	1,505	34.4	309	7.1

**How to read Tables 11a and 11b:** The format of Tables 11a and 11b mirror the formats of the Standard Grid and the Sex Offender Grid. The first number in each cell is the number of offenders sentenced at that severity level and that criminal history score. The second number is the percentage of offenders at that severity level who had that specific criminal history score. The third number is the percent, at that criminal history score, who were also at that severity level.

For example, of offenders sentenced in 2012, 336 had a Criminal History Score of 0 and were sentenced for a Severity Level 1 offense. Of the offenders sentenced for Severity Level 1 offenses, 39 percent had a Criminal History Score of 0 (the row percent). Of the offenders who had a Criminal History Score of 0, seven percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 11a and are displayed on Table 11b.

Table 11a. Distribution of Cases by Severity and History

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>	7 50.0% 0.1%	1 7.1% 0.0%	2 14.3% 0.1%	1 7.1% 0.1%	2 14.3% 0.2%	0 0.0% 0.0%	1 7.1% 0.1%	14 100% 0.1%
<b>Sev. Level 11</b>	14 35.0% 0.3%	7 17.5% 0.3%	5 12.5% 0.2%	5 12.5% 0.3%	3 7.5% 0.3%	4 10.0% 0.5%	2 5.0% 0.1%	40 100% 0.3%
<b>Sev. Level 10</b>	15 55.6% 0.3%	2 7.4% 0.1%	3 11.1% 0.1%	1 3.7% 0.1%	2 7.4% 0.2%	2 7.4% 0.3%	2 7.4% 0.1%	27 100% 0.2%
<b>Sev. Level 9</b>	164 47.0% 3.4%	35 10.0% 1.4%	47 13.5% 2.3%	32 9.2% 2.1%	22 6.3% 2.0%	14 4.0% 1.8%	35 10.0% 2.4%	349 100% 2.5%
<b>Sev. Level 8</b>	273 38.7% 5.6%	117 16.6% 4.7%	88 12.5% 4.4%	72 10.2% 4.8%	52 7.4% 4.7%	29 4.1% 3.7%	75 10.6% 5.1%	706 100% 5.0%
<b>Sev. Level 7</b>	132 20.8% 2.7%	174 27.4% 7.0%	115 18.1% 5.7%	67 10.6% 4.5%	62 9.8% 5.6%	34 5.4% 4.4%	51 8.0% 3.5%	635 100% 4.5%
<b>Sev. Level 6</b>	553 35.2% 11.4%	238 15.1% 9.6%	222 14.1% 11.0%	155 9.9% 10.3%	138 8.8% 12.5%	78 5.0% 10.0%	188 12.0% 12.9%	1,572 100% 11.1%
<b>Sev. Level 5</b>	313 37.7% 6.5%	167 20.1% 6.8%	122 14.7% 6.1%	74 8.9% 4.9%	38 4.6% 3.4%	29 3.5% 3.7%	87 10.5% 5.9%	830 100% 5.9%
<b>Sev. Level 4</b>	1,086 29.2% 22.5%	636 17.1% 25.7%	561 15.1% 27.9%	486 13.1% 32.4%	317 8.5% 28.7%	226 6.1% 29.0%	401 10.8% 27.4%	3,713 100% 26.2%
<b>Sev. Level 3</b>	472 37.5% 9.8%	194 15.4% 7.9%	172 13.7% 8.5%	116 9.2% 7.7%	87 6.9% 7.9%	80 6.4% 10.3%	137 10.9% 9.4%	1,258 100% 8.9%
<b>Sev. Level 2</b>	1,472 35.4% 30.4%	744 17.9% 30.1%	559 13.4% 27.8%	415 10.0% 27.6%	323 7.8% 29.3%	242 5.8% 31.0%	409 9.8% 28.0%	4,164 100% 29.4%
<b>Sev. Level 1</b>	336 39.1% 6.9%	155 18.0% 6.3%	117 13.6% 5.8%	78 9.1% 5.2%	57 6.6% 5.2%	42 4.9% 5.4%	75 8.7% 5.1%	860 100% 6.1%
<b>Column Total</b>	4,837 34.1% 100%	2,470 17.4% 100%	2,013 14.2% 100%	1,502 10.6% 100%	1,103 7.8% 100%	780 5.5% 100%	1,463 10.3% 100%	14,168 100% 100%



**Table 11b. Distribution of Offenses by Severity and Criminal History  
Sex Offender Grid**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	59 53.6% 13.8%	9 8.2% 7.1%	7 6.4% 6.0%	11 10.0% 7.9%	4 3.6% 5.6%	3 2.7% 4.9%	17 15.5% 18.3%	110 100% 10.6%
<b>Sev. Level B</b>	16 45.7% 3.7%	3 8.6% 2.4%	4 11.4% 3.4%	6 17.1% 4.3%	1 2.9% 1.4%	2 5.7% 3.3%	3 8.6% 3.2%	35 100% 3.4%
<b>Sev. Level C</b>	29 48.3% 6.8%	5 8.3% 3.9%	6 10.0% 5.1%	6 10.0% 4.3%	5 8.3% 6.9%	3 5.0% 4.9%	6 10.0% 6.5%	60 100% 5.8%
<b>Sev. Level D</b>	147 68.4% 34.3%	24 11.2% 18.9%	14 6.5% 12.0%	17 7.9% 12.1%	3 1.4% 4.2%	4 1.9% 6.6%	6 2.8% 6.5%	215 100% 20.7%
<b>Sev. Level E</b>	29 61.7% 6.8%	10 21.3% 7.9%	4 8.5% 3.4%	3 6.4% 2.1%	0 0.0% 0.0%	1 2.1% 1.6%	0 0.0% 0.0%	47 100% 4.5%
<b>Sev. Level F</b>	32 64.0% 7.5%	6 12.0% 4.7%	5 10.0% 4.3%	5 10.0% 3.6%	0 0.0% 0.0%	2 4.0% 3.3%	0 0.0% 0.0%	50 100% 4.8%
<b>Sev. Level G</b>	62 47.3% 14.5%	19 14.5% 15.0%	8 6.1% 6.8%	17 13.0% 12.1%	8 6.1% 11.1%	10 7.6% 16.4%	7 5.3% 7.5%	131 100% 12.6%
<b>Sev. Level H Failure to Register</b>	55 14.1% 12.8%	51 13.0% 40.2%	69 17.6% 59.0%	75 19.2% 53.6%	51 13.0% 70.8%	36 9.2% 59.0%	54 13.8% 58.1%	391 100% 37.6%
<b>Column Total</b>	429 41.3% 100%	127 12.2% 100%	117 11.3% 100%	140 13.5% 100%	72 6.9% 100%	61 5.9% 100%	93 9.0% 100%	1,039 100% 100%

## *Incarceration Rates*

**How to read Tables 12a and 12b:** The format of Tables 12a and 12b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score. The bottom number is the percentage of the offenders in that cell who received a sentence that included incarceration in a state prison or local correctional facility.

For example, of the 336 offenders sentenced at Severity Level 1, with a Criminal History Score of 0, 80.4% percent received a sentence that included incarceration in either a state prison or a local correctional facility. Of the 75 offenders at Severity Level 1 with a Criminal History Score of 6 or more, 97.3 percent received a sentence of imprisonment or a stayed sentence with conditional time.

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 12a and are displayed on Table 12b.

**Table 12a. Total Incarceration**  
 Percent of All Cases Receiving Incarceration in a State Prison or  
 Conditional Confinement in a Local Facility as Part of the Pronounced Sentence

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b>								
<i>Murder 1</i>								
# in Grid Cell	7	1	2	1	2		1	14
% Incarcerated	100%	100%	100%	100%	100%	---	100%	100%
<b>Sev. Level 11</b>								
# in Grid Cell	14	7	5	5	3	4	2	40
% Incarcerated	100%	100%	100%	100%	100%	100%	100%	100%
<b>Sev. Level 10</b>								
# in Grid Cell	15	2	3	1	2	2	2	27
% Incarcerated	100%	100%	100%	100%	100%	100%	100%	100%
<b>Sev. Level 9</b>								
# in Grid Cell	164	35	47	32	22	14	35	349
% Incarcerated	97.6%	97.1%	97.9%	96.9%	100%	92.9%	88.6%	96.6%
<b>Sev. Level 8</b>								
# in Grid Cell	273	117	88	72	52	29	75	706
% Incarcerated	94.1%	98.3%	96.6%	94.4%	98.1%	96.6%	97.3%	95.9%
<b>Sev. Level 7</b>								
# in Grid Cell	132	174	115	67	62	34	51	635
% Incarcerated	96.2%	95.4%	93.0%	92.5%	95.2%	97.1%	98.0%	95.1%
<b>Sev. Level 6</b>								
# in Grid Cell	553	238	222	155	138	78	188	1,572
% Incarcerated	91.7%	94.5%	92.8%	96.1%	98.6%	96.2%	97.9%	94.3%
<b>Sev. Level 5</b>								
# in Grid Cell	313	167	122	74	38	29	87	830
% Incarcerated	85.9%	89.2%	87.7%	96.0%	94.7%	96.6%	97.7%	89.8%
<b>Sev. Level 4</b>								
# in Grid Cell	1,086	636	561	486	317	226	401	3,713
% Incarcerated	90.0%	90.4%	92.5%	91.8%	95.6%	95.6%	96.8%	92.2%
<b>Sev. Level 3</b>								
# in Grid Cell	472	194	172	116	87	80	137	1,258
% Incarcerated	78.4%	87.6%	85.5%	87.1%	94.3%	95.0%	97.1%	85.8%
<b>Sev. Level 2</b>								
# in Grid Cell	1,472	744	559	415	323	242	409	4,164
% Incarcerated	86.0%	92.2%	91.8%	91.6%	93.8%	92.6%	97.1%	90.5%
<b>Sev. Level 1</b>								
# in Grid Cell	336	155	117	78	57	42	75	860
% Incarcerated	80.4%	73.6%	65.0%	76.9%	93.0%	85.7%	97.3%	79.3%
<b>Total</b>								
# in Grid Cell	4,837	2,470	2,013	1,502	1,103	780	1,463	14,168
% Incarcerated	87.6%	90.9%	90.2%	91.5%	95.4%	94.2%	97.0%	90.9%

**Table 12b. Total Incarceration for Sex Offender Grid  
Percent of All Cases Receiving Incarceration in a State Prison or  
Conditional Confinement in a Local Facility as Part of the Pronounced Sentence**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	59 96.6%	9 100%	7 85.7%	11 100%	4 100%	3 100%	17 100%	110 97.3%
<b>Sev. Level B</b>	16 100%	3 100%	4 100%	6 100%	1 100%	2 100%	3 100%	35 100%
<b>Sev. Level C</b>	29 93.1%	5 100%	6 100%	6 100%	5 100%	3 100%	6 100%	60 96.7%
<b>Sev. Level D</b>	147 93.9%	24 79.2%	14 85.7%	17 100%	3 100%	4 100%	6 100%	215 92.6%
<b>Sev. Level E</b>	29 96.6%	10 90.0%	4 100%	3 100%	---	1 100%	---	47 95.7%
<b>Sev. Level F</b>	32 90.6%	6 83.3%	5 80.0%	5 100%	---	2 100%	---	50 90.0%
<b>Sev. Level G</b>	62 87.1%	19 84.2%	8 62.5%	17 52.9%	8 87.5%	10 90.0%	7 100%	131 81.7%
<b>Sev. Level H Failure to Register</b>	55 89.1%	51 88.2%	69 98.6%	75 94.7%	51 98.0%	36 88.9%	54 94.4%	391 93.6%
<b>Column Total</b>	429 92.8%	127 87.4%	117 93.2%	140 91.4%	72 97.2%	61 91.8%	93 96.8%	1,039 92.6%

**How to read Tables 13a and 13b:** The format of Tables 13a and 13b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score. The bottom number is the percentage of the offenders in that cell who received an executed prison sentence. Offenders who did not receive an executed prison sentence may have received local confinement time as a condition of their probation. (See Tables 20 and 21, for local confinement rates.)

For example, of the 336 offenders sentenced at Severity Level 1, with a Criminal History Score of 0, 0.6 percent received an executed prison sentence. Of the 75 offenders at Severity Level 1 with a Criminal History Score of 6 or more, 80.0 percent received an executed prison sentence.

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 13a and are displayed on Table 13b.

**Table 13a. Imprisonment Rate  
Percent of All Cases Receiving Executed Prison Sentences**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>								
# in Grid Cell	7	1	2	1	2		1	14
% Rec. Prison	100%	100%	100%	100%	100%	---	100%	100%
<b>Sev. Level 11</b>								
# in Grid Cell	14	7	5	5	3	4	2	40
% Rec. Prison	100%	100%	100%	100%	100%	100%	100%	100%
<b>Sev. Level 10</b>								
# in Grid Cell	15	2	3	1	2	2	2	27
% Rec. Prison	93.3%	100%	100%	100%	100%	100%	100%	96.3%
<b>Sev. Level 9</b>								
# in Grid Cell	164	35	47	32	22	14	35	349
% Rec. Prison	53.1%	62.9%	72.3%	81.3%	86.4%	85.7%	82.9%	65.6%
<b>Sev. Level 8</b>								
# in Grid Cell	273	117	88	72	52	29	75	706
% Rec. Prison	42.9%	57.3%	75.0%	79.2%	84.6%	89.7%	92.0%	63.2%
<b>Sev. Level 7</b>								
# in Grid Cell	132	174	115	67	62	34	51	635
% Rec. Prison	1.5%	6.3%	33.9%	58.2%	72.6%	70.6%	76.5%	31.3%
<b>Sev. Level 6</b>								
# in Grid Cell	553	238	222	155	138	78	188	1,572
% Rec. Prison	12.3%	29.0%	44.1%	78.1%	84.1%	79.5%	89.4%	44.7%
<b>Sev. Level 5</b>								
# in Grid Cell	313	167	122	74	38	29	87	830
% Rec. Prison	1.3%	6.0%	8.2%	64.9%	71.1%	72.4%	87.4%	23.6%
<b>Sev. Level 4</b>								
# in Grid Cell	1,086	636	561	486	317	226	401	3,713
% Rec. Prison	1.8%	1.4%	6.6%	11.9%	61.2%	76.1%	78.3%	21.7%
<b>Sev. Level 3</b>								
# in Grid Cell	472	194	172	116	87	80	137	1,258
% Rec. Prison	0.9%	3.1%	9.9%	11.2%	57.5%	68.8%	83.9%	20.7%
<b>Sev. Level 2</b>								
# in Grid Cell	1,472	744	559	415	323	242	409	4,164
% Rec. Prison	2.7%	5.7%	7.9%	12.8%	17.0%	24.8%	70.9%	14.0%
<b>Sev. Level 1</b>								
# in Grid Cell	336	155	117	78	57	42	75	860
% Rec. Prison	0.6%	1.3%	4.3%	3.9%	19.3%	21.4%	80.0%	10.7%
<b>Total</b>								
# in Grid Cell	4,837	2,470	2,013	1,502	1,103	780	1,463	14,168
% Rec. Prison	7.8%	10.0%	17.9%	28.3%	51.5%	57.3%	79.6%	25.4%

**Table 13b. Imprisonment Rate for Sex Offender Grid  
Percent of All Cases Receiving Executed Prison Sentences**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	59 71.2%	9 77.8%	7 71.4%	11 90.9%	4 100%	3 100%	17 94.1%	110 79.1%
<b>Sev. Level B</b>	16 75.0%	3 100%	4 100%	6 100%	1 100%	2 50.0%	3 66.7%	35 82.9%
<b>Sev. Level C</b>	29 44.8%	5 80.0%	6 66.7%	6 83.3%	5 100%	3 100%	6 83.3%	60 65.0%
<b>Sev. Level D</b>	147 4.8%	24 8.3%	14 42.9%	17 58.8%	3 100%	4 100%	6 83.3%	215 17.2%
<b>Sev. Level E</b>	29 3.5%	10 10.0%	4 0.0%	3 0.0%	---	1 100%	---	47 6.4%
<b>Sev. Level F</b>	32 3.1%	6 0.0%	5 20.0%	5 40.0%	---	2 100%	---	50 12.0%
<b>Sev. Level G</b>	62 1.6%	19 5.3%	8 0.0%	17 5.9%	8 62.5%	10 40.0%	7 42.9%	131 11.5%
<b>Sev. Level H Failure to Register</b>	55 21.8%	51 33.3%	69 46.4%	75 60.0%	51 56.9%	36 66.7%	54 70.4%	391 50.4%
<b>Column Total</b>	429 20.8%	127 27.6%	117 44.4%	140 56.4%	72 65.3%	61 68.9%	93 74.2%	1,039 39.8%

**How to read Table 14:** The following table shows the percentage of offenders by gender who received an executed prison sentence. For example, of the 12,699 male offenders sentenced in 2012 (Table 1), 29.1 percent received a sentence of imprisonment.

**Table 14. Imprisonment Rate by Gender: 1978, 1981-2012**

Year	Total Number Sentenced	Overall Imprisonment Rate		By Gender	
		Number	Percent	Male	Female
2012	15,207	4,004	26.3%	29.1%	12.4%
2011	14,571	3,653	25.1%	27.9%	10.9%
2010	14,311	3,640	25.4%	28.3%	11.0%
2009	14,840	3,723	25.1%	27.7%	12.2%
2008	15,394	3,852	25.0%	27.9%	11.8%
2007	16,168	3,760	23.3%	25.8%	11.5%
2006	16,446	3,595	21.9%	24.4%	9.8%
2005	15,462	3,583	23.2%	25.8%	11.3%
2004	14,751	3,443	23.4%	26.1%	11.0%
2003	14,492	3,536	24.4%	27.2%	10.9%
2002	12,978	3,057	23.6%	26.4%	10.7%
2001	10,796	2,449	22.7%	25.6%	9.5%
2000	10,395	2,428	23.4%	26.2%	10.1%
1999	10,634	2,451	23.0%	25.6%	11.0%
1998	10,887	2,561	23.5%	26.4%	9.8%
1997	9,847	2,189	22.2%	25.2%	8.7%
1996	9,480	2,189	23.1%	26.2%	8.8%
1995	9,421	2,136	22.7%	25.6%	9.4%
1994	9,787	2,043	20.9%	23.7%	7.6%
1993	9,637	2,064	21.4%	24.4%	6.9%
1992	9,325	1,925	20.6%	23.1%	7.8%
1991	9,161	1,777	19.4%	21.9%	6.0%
1990	8,844	1,725	19.5%	21.9%	7.6%
1989	7,974	1,752	22.0%	24.2%	10.7%
1988	7,572	1,586	20.9%	23.5%	7.4%
1987	6,674	1,443	21.6%	24.2%	8.4%
1986	6,032	1,198	19.9%	22.3%	6.9%
1985	6,236	1,186	19.0%	21.1%	7.6%
1984	5,792	1,134	19.6%	21.5%	6.6%
1983	5,562	1,140	20.5%	22.3%	8.8%
1982	6,066	1,128	18.6%	20.5%	6.4%
1981	5,500	825	15.0%	16.2%	5.5%
1978	4,369	891	20.4%	21.9%	9.2%



**How to read Table 15:** The following table shows the percentage of offenders for each race/ethnicity who received an executed prison sentence. For example, of the 8,777 white offenders sentenced in 2012 (Table 1), 22.6 percent received a sentence of imprisonment.

**Table 15. Imprisonment Rate by Race/Ethnicity: 1978, 1981-2012**

Year	Total Number Sentenced	Overall Imprisonment Rate		By Race					
		Number	Percent	White	Black	American Indian	Hispanic	Asian	Other
2012	15,207	4,004	26.3%	22.6%	33.6%	28.2%	28.1%	24.7%	25%
2011	14,571	3,653	25.1%	21.0%	31.4%	30.2%	31.2%	18.8%	---
2010	14,311	3,640	25.4%	21.2%	32.9%	30.3%	27.0%	21.8%	---
2009	14,840	3,723	25.1%	20.9%	31.7%	30.9%	26.5%	26.7%	---
2008	15,394	3,852	25.0%	21.5%	31.6%	29.4%	26.3%	21.0%	50.0%
2007	16,168	3,760	23.3%	20.0%	30.0%	24.8%	26.6%	18.3%	0.0%
2006	16,446	3,595	21.9%	18.9%	26.9%	28.1%	25.9%	20.9%	0.0%
2005	15,462	3,583	23.2%	19.8%	29.4%	29.2%	26.8%	26.0%	5.3%
2004	14,751	3,446	23.4%	19.9%	30.2%	27.4%	28.2%	22.9%	---
2003	14,492	3,536	24.4%	22.0%	29.3%	24.6%	30.9%	23.3%	26.3%
2002	12,978	3,057	23.6%	20.7%	27.7%	27.5%	31.3%	24.9%	15.5%
2001	10,796	2,449	22.7%	19.3%	28.6%	25.3%	27.6%	23.7%	0.0%
2000	10,395	2,428	23.4%	19.7%	29.3%	26.4%	30.5%	22.2%	15.9%
1999	10,634	2,451	23.0%	19.2%	28.6%	27.7%	30.6%	25.4%	21.8%
1998	10,887	2,561	23.5%	19.9%	30.2%	26.9%	28.3%	20.4%	11.1%
1997	9,847	2,189	22.2%	19.1%	26.5%	30.0%	28.2%	13.6%	15.9%
1996	9,480	2,189	23.1%	20.2%	29.9%	25.4%	22.3%	16.1%	14.6%
1995	9,421	2,136	22.7%	19.5%	28.5%	29.5%	23.6%	23.0%	18.5%
1994	9,787	2,043	20.9%	18.1%	27.8%	25.2%	18.8%	17.6%	20.8%
1993	9,637	2,064	21.4%	17.9%	30.2%	25.0%	21.4%	25.8%	18.4%
1992	9,325	1,925	20.6%	17.8%	28.2%	24.3%	23.1%	17.1%	25.0%
1991	9,161	1,777	19.4%	16.5%	27.1%	27.1%	23.6%	16.5%	10.3%
1990	8,844	1,725	19.5%	16.8%	26.5%	28.2%	23.3%	29.0%	16.0%
1989	7,974	1,752	22.0%	19.4%	32.1%	26.2%	14.0%	10.9%	25.0%
1988	7,572	1,586	20.9%	18.3%	29.1%	28.2%	22.2%	11.4%	11.8%
1987	6,674	1,443	21.6%	19.4%	30.8%	26.7%	18.5%	18.5%	17.6%
1986	6,032	1,198	19.9%	18.6%	26.1%	22.3%	17.5%	12.0%	38.9%
1985	6,236	1,186	19.0%	16.8%	27.7%	25.0%	23.1%	21.1%	20.7%
1984	5,792	1,134	19.6%	17.5%	30.2%	26.2%	19.5%	0.0%	15.8%
1983	5,562	1,140	20.5%	18.1%	31.4%	29.2%	21.9%	11.1%	26.7%
1982	6,066	1,128	18.6%	15.6%	32.1%	28.9%	34.0%	12.5%	23.8%
1981	5,500	825	15.0%	12.2%	29.2%	26.1%	25.6%	10.0%	75.0%
1978	4,369	891	20.4%	19.3%	28.9%	22.7%	17.6%	0.0%	31.4%

**How to read Table 16:** The following table shows the percentage of offenders sentenced in each MN Judicial District who received an executed prison sentence. For example, of the 2,891 offenders sentenced in the Fourth Judicial District in 2012 (Table 1), 29.7 percent received a sentence of incarceration in a state prison.

**Table 16. Imprisonment Rate by MN Judicial District: 1978, 1981-2012  
(Percentage of Offenders)**

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2012	20.8%	31.5%	25.2%	29.7%	22.6%	20.2%	29.9%	27.1%	26.8%	23.2%
2011	20.7%	28.3%	26.5%	30.6%	19.8%	21.1%	24.3%	28.7%	25.3%	20.3%
2010	19.1%	29.5%	23.8%	31.5%	21.0%	18.1%	30.2%	30.9%	25.1%	19.8%
2009	19.8%	29.4%	24.2%	28.8%	19.6%	19.8%	29.9%	28.6%	23.7%	20.3%
2008	22.4%	27.2%	26.5%	27.8%	20.7%	20.2%	30.1%	26.3%	22.3%	20.8%
2007	19.7%	26.2%	22.6%	26.5%	18.1%	19.9%	28.1%	24.0%	23.0%	18.9%
2006	17.7%	24.0%	25.4%	23.3%	20.6%	16.1%	25.2%	26.9%	21.6%	19.0%
2005	18.9%	24.1%	25.4%	26.4%	21.9%	17.8%	26.0%	26.5%	26.2%	18.7%
2004	15.8%	27.9%	24.0%	25.5%	27.3%	17.8%	24.1%	26.8%	26.3%	19.7%
2003	20.0%	27.1%	25.4%	26.1%	27.9%	18.6%	24.9%	27.7%	26.7%	21.7%
2002	19.8%	25.5%	24.7%	25.3%	25.4%	19.6%	22.7%	26.9%	22.5%	22.9%
2001	17.3%	25.4%	23.2%	26.9%	20.5%	15.5%	23.1%	24.8%	21.8%	20.4%
2000	19.6%	25.5%	22.8%	26.7%	21.7%	18.9%	20.2%	26.9%	23.3%	21.2%
1999	18.4%	22.5%	20.1%	29.0%	25.6%	17.9%	20.6%	30.7%	21.2%	20.5%
1998	18.6%	24.3%	26.5%	29.4%	20.9%	15.1%	21.6%	27.0%	23.1%	19.1%
1997	19.6%	22.5%	21.3%	26.5%	19.6%	17.0%	22.4%	21.8%	25.1%	17.8%
1996	20.6%	25.1%	22.2%	27.6%	19.7%	20.1%	19.4%	22.9%	21.7%	21.3%
1995	18.4%	21.4%	19.2%	29.8%	23.5%	18.9%	17.9%	28.6%	22.0%	20.9%
1994	14.5%	18.4%	15.9%	30.1%	18.3%	16.8%	21.5%	23.2%	20.6%	17.2%
1993	18.5%	23.6%	15.6%	29.6%	15.7%	17.7%	18.2%	20.9%	18.0%	17.7%
1992	15.7%	20.7%	16.5%	27.1%	19.9%	19.0%	18.6%	20.8%	18.3%	17.3%
1991	16.3%	18.6%	11.8%	27.6%	16.4%	15.3%	16.3%	18.0%	17.8%	16.4%
1990	16.5%	18.5%	17.3%	25.3%	18.2%	16.0%	19.3%	24.9%	15.1%	16.9%
1989	19.1%	21.3%	22.3%	29.4%	23.5%	19.6%	15.2%	22.0%	16.0%	17.4%
1988	15.7%	24.0%	15.7%	23.9%	19.4%	18.4%	18.4%	23.4%	21.8%	18.9%
1987	17.8%	26.1%	16.3%	27.5%	16.1%	19.2%	18.1%	22.1%	21.4%	18.0%
1986	18.0%	19.2%	18.5%	24.5%	16.8%	18.3%	14.5%	15.6%	22.1%	21.0%
1985	15.4%	21.4%	13.2%	21.8%	13.9%	19.7%	17.2%	17.9%	19.8%	19.0%
1984	15.8%	20.6%	11.5%	25.0%	17.2%	19.7%	14.9%	18.0%	20.5%	19.3%
1983	16.9%	22.1%	19.1%	29.3%	17.7%	18.5%	13.6%	14.5%	19.3%	15.4%
1982	14.9%	20.0%	14.1%	29.7%	10.2%	16.1%	16.9%	15.3%	15.9%	13.2%
1981	6.3%	15.7%	11.0%	24.2%	5.1%	14.0%	11.8%	8.1%	14.1%	14.5%
1978	17.0%	22.7%	25.7%	23.9%	17.4%	13.4%	13.2%	18.5%	17.0%	21.7%

**How to read Table 17:** The following table shows the percentage of offenders by gender who received incarceration in a local correctional facility as a condition of a stayed sentence. For example, of the 12,699 male offenders sentenced in 2012 (Table 1), 63 percent received incarceration in a local as a condition of a stayed sentence.

**Table 17. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender: 1978, 1981-2012**

Year	Total Number Sentenced	Overall – Local Time as a Condition or Probation		By Gender	
		Number	Percent	Male	Female
2012	15,207	9,838	64.7%	63.0%	73.3%
2011	14,571	9,583	65.8%	64.2%	73.4%
2010	14,311	8,587	60.0%	58.6%	67.1%
2009	14,840	9,746	65.7%	64.0%	73.6%
2008	15,394	10,062	65.4%	63.8%	72.7%
2007	16,168	10,970	67.9%	66.4%	74.6%
2006	16,446	11,493	69.9%	68.3%	77.4%
2005	15,462	10,672	69.0%	67.5%	75.7%
2004	14,751	10,071	68.3%	66.9%	74.4%
2003	14,492	9,557	66.0%	64.6%	72.3%
2002	12,978	8,600	66.3%	65.2%	71.3%
2001	10,796	7,150	66.2%	65.0%	71.8%
2000	10,395	6,838	65.8%	64.9%	70.1%
1999	10,634	6,946	65.3%	64.9%	67.2%
1998	10,887	6,999	64.3%	64.0%	65.4%
1997	9,847	6,349	64.5%	64.4%	64.8%
1996	9,480	5,911	62.4%	62.5%	61.8%
1995	9,421	6,019	63.9%	65.0%	58.7%
1994	9,787	6,292	64.3%	65.1%	60.7%
1993	9,637	6,205	64.4%	65.1%	60.8%
1992	9,325	6,176	66.2%	66.7%	63.8%
1991	9,161	6,009	65.6%	67.0%	58.2%
1990	8,844	5,428	61.4%	63.3%	51.5%
1989	7,974	4,669	58.6%	60.8%	47.1%
1988	7,572	4,428	58.5%	60.3%	49.0%
1987	6,674	3,700	55.4%	57.6%	44.4%
1986	6,032	3,298	54.7%	57.5%	39.5%
1985	6,236	3,324	53.3%	56.0%	38.5%
1984	5,792	3,074	53.1%	55.4%	37.1%
1983	5,562	2,781	50.0%	52.9%	31.8%
1982	6,066	2,717	44.7%	47.3%	28.2%
1981	5,500	2,539	46.2%	48.2%	29.8%
1978	4,369	1,547	35.4%	37.5%	19.9%

**How to read Table 18:** The following table shows the percentage of offenders for each race/ethnicity who received incarceration in a local facility as a condition of a stayed sentence. For example, of the 8,777 white offenders sentenced in 2012 (Table 1), 65.4 percent received incarceration in a local facility as a condition of a stayed sentence.

**Table 18. Incarceration in Local Facilities by Race/Ethnicity: 1978, 1981-2012**

Year	Total Number Sentenced	Overall – Local Time as a Condition or Probation		By Race					
		Number	Percent	White	Black	American Indian	Hispanic	Asian	Other
2012	15,207	9,838	64.7%	67.2%	59.6%	63.7%	63.5%	67.9%	50.0%
2011	14,571	9,583	65.8%	68.4%	61.9%	62.2%	59.5%	73.3%	---
2010	14,311	8,587	60.0%	62.8%	55.9%	57.0%	53.7%	66.2%	---
2009	14,840	9,746	65.7%	69.1%	61.6%	61.8%	57.4%	66.2%	---
2008	15,394	10,062	65.4%	68.1%	61.1%	61.0%	60.9%	70.7%	50.0%
2007	16,168	10,970	67.9%	70.0%	63.2%	67.7%	64.0%	73.1%	100%
2006	16,446	11,493	69.9%	72.0%	66.1%	66.2%	66.2%	73.9%	25.0%
2005	15,462	10,672	69.0%	71.7%	64.9%	62.8%	62.7%	69.5%	78.9%
2004	14,751	10,071	68.3%	71.1%	62.9%	63.9%	64.4%	69.2%	---
2003	14,492	9,557	66.0%	67.5%	62.8%	67.3%	60.2%	67.4%	65.8%
2002	12,978	8,600	66.3%	68.7%	63.0%	62.3%	58.5%	64.1%	76.1%
2001	10,796	7,150	66.2%	68.5%	62.5%	64.8%	61.8%	63.0%	75.0%
2000	10,395	6,838	65.8%	68.7%	61.2%	65.3%	59.0%	65.2%	63.8%
1999	10,634	6,946	65.3%	68.9%	59.7%	64.3%	57.3%	61.9%	65.5%
1998	10,887	6,999	64.3%	67.5%	58.1%	62.8%	62.1%	64.8%	64.8%
1997	9,847	6,349	64.5%	67.8%	58.0%	61.6%	63.2%	70.5%	72.7%
1996	9,480	5,911	62.4%	65.8%	53.1%	64.3%	66.5%	63.7%	75.6%
1995	9,421	6,019	63.9%	66.7%	58.7%	60.7%	63.7%	52.6%	74.1%
1994	9,787	6,292	64.3%	66.7%	57.8%	64.3%	66.7%	61.4%	75.0%
1993	9,637	6,205	64.4%	67.4%	56.3%	64.7%	62.3%	62.9%	68.4%
1992	9,325	6,176	66.2%	68.0%	60.9%	65.7%	66.4%	66.7%	62.5%
1991	9,161	6,009	65.6%	67.7%	58.7%	63.7%	64.1%	68.1%	65.5%
1990	8,844	5,428	61.4%	63.9%	53.5%	56.6%	62.3%	46.4%	68.0%
1989	7,974	4,669	58.6%	60.9%	47.7%	60.0%	66.0%	65.2%	62.5%
1988	7,572	4,428	58.5%	60.8%	49.8%	58.4%	60.6%	60.0%	29.4%
1987	6,674	3,700	55.4%	57.2%	46.6%	56.7%	54.8%	44.4%	76.5%
1986	6,032	3,298	54.7%	56.2%	44.4%	59.1%	57.5%	52.0%	44.4%
1985	6,236	3,324	53.3%	55.2%	45.4%	53.9%	42.7%	36.8%	44.8%
1984	5,792	3,074	53.1%	54.2%	46.1%	51.2%	54.9%	56.3%	68.4%
1983	5,562	2,781	50.0%	50.6%	47.3%	49.1%	45.6%	55.6%	46.7%
1982	6,066	2,717	44.7%	45.4%	40.3%	42.6%	38.8%	37.5%	42.9%
1981	5,500	2,539	46.2%	46.3%	44.5%	50.0%	43.0%	30.0%	0.0%
1978	4,369	1,547	35.4%	35.3%	34.1%	41.7%	58.0%	0.0%	2.9%

**How to read Table 19:** The following table shows the percentage of offenders sentenced in each MN Judicial District who received confinement time as a condition of a stayed prison sentence. For example, of the 2,891 offenders sentenced in the Fourth Judicial District in 2012 (Table 1), 60.5 percent received a sentence including incarceration in a local facility.

**Table 19. Incarceration in Local Facilities by MN Judicial District: 1978, 1981-2012 (Percentage of Offenders)**

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2012	65.4%	67.8%	56.8%	60.5%	67.5%	63.5%	67.2%	66.9%	60.0%	71.9%
2011	65.5%	70.6%	52.3%	60.9%	68.1%	62.3%	71.8%	65.6%	62.4%	74.9%
2010	63.0%	63.2%	48.3%	55.8%	62.1%	60.3%	61.0%	56.1%	57.4%	69.5%
2009	70.0%	69.4%	51.8%	62.4%	71.1%	59.3%	66.2%	66.7%	64.4%	73.4%
2008	67.9%	70.5%	52.9%	64.5%	64.5%	51.6%	65.9%	69.0%	65.0%	72.6%
2007	71.9%	71.5%	59.4%	63.6%	68.7%	59.3%	67.7%	69.3%	67.3%	75.6%
2006	72.4%	74.1%	60.1%	68.5%	68.2%	59.8%	71.1%	70.8%	69.5%	75.8%
2005	71.9%	72.9%	57.3%	67.6%	68.0%	62.0%	70.5%	69.9%	63.8%	75.8%
2004	72.5%	67.3%	61.2%	66.3%	64.5%	65.4%	70.7%	65.6%	66.1%	75.3%
2003	68.7%	66.1%	59.3%	64.9%	62.1%	61.9%	69.7%	63.3%	63.6%	70.8%
2002	68.7%	66.9%	55.2%	64.6%	65.1%	61.2%	72.2%	65.8%	68.1%	69.4%
2001	68.0%	67.1%	61.3%	62.1%	68.1%	60.6%	70.5%	70.6%	67.9%	70.8%
2000	66.8%	63.5%	64.3%	62.8%	64.7%	60.1%	73.8%	69.7%	68.2%	69.6%
1999	68.1%	66.9%	64.0%	57.2%	58.7%	61.6%	73.9%	62.8%	69.2%	75.8%
1998	65.7%	63.7%	57.7%	56.3%	62.7%	61.1%	72.8%	67.2%	69.2%	75.8%
1997	67.9%	62.4%	62.4%	55.0%	64.6%	57.2%	71.3%	72.2%	69.5%	76.7%
1996	63.8%	57.2%	59.3%	52.0%	64.3%	58.7%	75.0%	69.6%	68.5%	73.1%
1995	64.2%	59.8%	65.3%	57.9%	56.8%	57.5%	74.7%	64.6%	72.1%	71.7%
1994	65.0%	60.1%	68.0%	58.0%	60.5%	55.8%	70.0%	64.1%	72.3%	75.1%
1993	64.5%	55.3%	66.7%	56.5%	63.5%	66.5%	74.2%	67.5%	74.1%	73.4%
1992	67.0%	62.3%	69.6%	59.4%	67.2%	63.2%	74.1%	70.3%	72.2%	73.5%
1991	64.5%	61.7%	71.3%	57.4%	71.4%	63.7%	74.3%	75.1%	72.9%	71.8%
1990	63.3%	49.8%	65.3%	56.4%	61.3%	57.0%	71.2%	68.4%	73.3%	70.3%
1989	61.5%	48.6%	62.1%	50.7%	54.9%	52.2%	68.9%	65.1%	72.4%	71.1%
1988	58.0%	45.5%	68.4%	55.9%	56.7%	50.9%	68.7%	65.2%	63.3%	67.7%
1987	47.9%	42.0%	65.2%	50.7%	62.3%	55.3%	61.0%	62.4%	61.1%	66.8%
1986	47.3%	44.8%	63.7%	50.7%	60.8%	51.8%	62.5%	65.6%	59.2%	63.0%
1985	44.0%	46.3%	70.8%	45.8%	56.8%	53.2%	55.0%	55.5%	63.5%	62.1%
1984	41.3%	47.9%	74.9%	49.6%	49.2%	51.8%	51.9%	57.2%	60.9%	59.1%
1983	35.7%	43.1%	67.9%	54.2%	43.8%	48.6%	48.4%	41.2%	59.8%	51.2%
1982	27.5%	42.5%	69.0%	43.7%	48.3%	55.3%	34.0%	30.8%	56.8%	45.0%
1981	29.1%	42.2%	65.2%	49.0%	49.8%	49.0%	29.4%	45.7%	58.4%	42.8%
1978	35.9%	39.3%	38.9%	40.8%	26.0%	45.5%	12.0%	22.3%	47.8%	23.0%

**How to read Tables 20a and 20b:** The format of Tables 20a and 20b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score. The bottom number is the percentage of the offenders in that cell who received local incarceration as a condition of a stayed sentence. Some offenders who did not receive conditional confinement time may have received executed prison sentences (see Tables 13-16, for imprisonment rates).

For example, of the 336 offenders sentenced at Severity Level 1 with a Criminal History Score of 0, 79.8 percent received confinement as a condition of probation.

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 20a and are displayed on Table 20b.

**Table 20a. Local Confinement Rates**  
**Percent of All Cases Receiving Local Confinement (“Jail”) as a Condition of Probation**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>								
# in Grid Cell	7	1	2	1	2		1	14
% Rec. Jail	0.0%	0.0%	0.0%	0.0%	0.0%	---	0.0%	0.0%
<b>Sev. Level 11</b>								
# in Grid Cell	14	7	5	5	3	4	2	40
% Rec. Jail	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Sev. Level 10</b>								
# in Grid Cell	15	2	3	1	2	2	2	27
% Rec. Jail	6.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.7%
<b>Sev. Level 9</b>								
# in Grid Cell	164	35	47	32	22	14	35	349
% Rec. Jail	44.5%	34.3%	25.5%	15.6%	13.6%	7.1%	5.7%	31.0%
<b>Sev. Level 8</b>								
# in Grid Cell	273	117	88	72	52	29	75	706
% Rec. Jail	51.3%	41.0%	21.6%	15.3%	13.5%	6.9%	5.3%	32.7%
<b>Sev. Level 7</b>								
# in Grid Cell	132	174	115	67	62	34	51	635
% Rec. Jail	94.7%	89.1%	59.1%	34.3%	22.6%	26.5%	21.6%	63.8%
<b>Sev. Level 6</b>								
# in Grid Cell	553	238	222	155	138	78	188	1,572
% Rec. Jail	79.4%	65.6%	48.7%	18.1%	14.5%	16.7%	8.5%	49.6%
<b>Sev. Level 5</b>								
# in Grid Cell	313	167	122	74	38	29	87	830
% Rec. Jail	84.7%	83.2%	79.5%	31.1%	23.7%	24.1%	10.3%	66.1%
<b>Sev. Level 4</b>								
# in Grid Cell	1,086	636	561	486	317	226	401	3,713
% Rec. Jail	88.1%	89.0%	85.9%	79.8%	34.4%	19.5%	18.5%	70.6%
<b>Sev. Level 3</b>								
# in Grid Cell	472	194	172	116	87	80	137	1,258
% Rec. Jail	77.5%	84.5%	75.6%	75.9%	36.8%	26.3%	13.1%	65.1%
<b>Sev. Level 2</b>								
# in Grid Cell	1,472	744	559	415	323	242	409	4,164
% Rec. Jail	83.4%	86.6%	83.9%	79.0%	76.8%	67.8%	26.2%	76.5%
<b>Sev. Level 1</b>								
# Grid Cell	336	155	117	78	57	42	75	860
% Rec. Jail	79.8%	72.3%	60.7%	73.1%	73.7%	64.3%	17.3%	68.6%
<b>Total</b>								
# in Grid Cell	4,837	2,470	2,013	1,502	1,103	780	1,463	14,168
% Rec. Jail	79.8%	80.8%	72.3%	63.4%	43.9%	36.9%	17.4%	65.6%

**Table 20b. Local Confinement Rate for Sex Offender Grid**  
**Percent of All Cases Receiving Local Confinement (“Jail”) as a Condition of Probation**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	59 25.4%	9 22.2%	7 14.3%	11 9.1%	4 0.0%	3 0.0%	17 5.9%	110 18.2%
<b>Sev. Level B</b>	16 25.0%	3 0.0%	4 0.0%	6 0.0%	1 0.0%	2 50.0%	3 33.3%	35 17.1%
<b>Sev. Level C</b>	29 48.3%	5 20.0%	6 33.3%	6 16.7%	5 0.0%	3 0.0%	6 16.7%	60 31.7%
<b>Sev. Level D</b>	147 89.1%	24 70.8%	14 42.9%	17 41.2%	3 0.0%	4 0.0%	6 16.7%	215 75.4%
<b>Sev. Level E</b>	29 93.1%	10 80.0%	4 100%	3 100.0%	---	1 0.0%	---	47 89.4%
<b>Sev. Level F</b>	32 87.5%	6 83.3%	5 60.0%	5 60.0%	---	2 0.0%	---	50 78.0%
<b>Sev. Level G</b>	62 85.5%	19 79.0%	8 62.5%	17 47.1%	8 25.0%	10 50.0%	7 57.1%	131 70.2%
<b>Sev. Level H Failure to Register</b>	55 67.3%	51 54.9%	69 52.2%	75 34.7%	51 41.2%	36 22.2%	54 24.1%	391 43.2%
<b>Column Total</b>	429 72.0%	127 59.8%	117 48.7%	140 35.0%	72 31.94%	61 23.0%	93 22.6%	1,039 52.8%



**How to read Tables 21a and 21b:** The format of Tables 21a and 21b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score who received a stayed sentence. The bottom number is the percentage of those (receiving a stayed sentence) who received local incarceration as a condition of a stayed sentence.

For example, of the 334 offenders sentenced at Severity Level 1 with a Criminal History Score of 0 who received a probationary sentence, 80.2 percent received local confinement as a condition of probation.

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 21a and are displayed on Table 21b.

**Table 21a. Local Confinement Rate**  
**Percent of Stayed Cases Receiving Local Confinement (“Jail”)**  
**as a Condition of Probation**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>								
# Stayed Cases	---	---	---	---	---	---	---	0
% Rec. Jail								
<b>Sev. Level 11</b>								
# Stayed Cases	---	---	---	---	---	---	---	0
% Rec. Jail								
<b>Sev. Level 10</b>								
# Stayed Cases	1	---	---	---	---	---	---	1
% Rec. Jail	100%							100%
<b>Sev. Level 9</b>								
# Stayed Cases	77	13	13	6	3	2	6	120
% Rec. Jail	94.8%	92.3%	92.3%	83.3%	100%	50.0%	33.3%	90.0%
<b>Sev. Level 8</b>								
# Stayed Cases	156	50	22	15	8	3	6	260
% Rec. Jail	89.7%	96.0%	86.4%	73.3%	87.5%	66.7%	66.7%	88.9%
<b>Sev. Level 7</b>								
# Stayed Cases	130	163	76	28	17	10	12	436
% Rec. Jail	96.2%	95.1%	89.5%	82.1%	82.4%	90.0%	91.7%	92.9%
<b>Sev. Level 6</b>								
# Stayed Cases	485	169	124	34	22	16	20	870
% Rec. Jail	90.5%	92.3%	87.1%	82.4%	90.9%	81.3%	80.0%	89.7%
<b>Sev. Level 5</b>								
# Stayed Cases	309	157	112	26	11	8	11	634
% Rec. Jail	85.8%	88.5%	86.6%	88.5%	81.8%	87.5%	81.8%	86.6%
<b>Sev. Level 4</b>								
# Stayed Cases	1,066	627	524	428	123	54	87	2,909
% Rec. Jail	89.8%	90.3%	92.0%	90.7%	88.6%	81.5%	85.1%	90.1%
<b>Sev. Level 3</b>								
# Stayed Cases	468	188	155	103	37	25	22	998
% Rec. Jail	78.2%	87.2%	83.9%	85.4%	86.5%	84.0%	81.8%	82.1%
<b>Sev. Level 2</b>								
# Stayed Cases	1,433	702	515	362	268	182	119	3,581
% Rec. Jail	85.6%	91.7%	91.1%	90.3%	92.5%	90.1%	89.9%	89.0%
<b>Sev. Level 1</b>								
# Stayed Cases	334	153	112	75	46	33	15	768
% Rec. Jail	80.2%	73.2%	63.4%	76.0%	91.3%	81.8%	86.7%	76.8%
<b>Total</b>								
# Stayed Cases	4,459	2,222	1,653	1,077	535	333	298	10,577
% Rec. Jail	86.6%	89.8%	88.1%	88.2%	90.5%	86.5%	85.2%	87.8%

**Table 21b. Local Confinement Rate for Sex Offender Grid  
Percent of Stayed Cases Receiving Local Confinement (“Jail”)  
as a Condition of Probation**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b> # Stayed Cases % Rec. Jail	17 88.2%	2 100%	2 50.0%	1 100%	---	---	1 100%	23 87.0%
<b>Sev. Level B</b> # Stayed Cases % Rec. Jail	4 100%	---	---	---	---	1 100%	1 100%	6 100.0%
<b>Sev. Level C</b> # Stayed Cases % Rec. Jail	16 87.5%	1 100%	2 100%	1 100%	---	---	1 100%	21 90.5%
<b>Sev. Level D</b> # Stayed Cases % Rec. Jail	140 93.6%	22 77.3%	8 75.0%	7 100%	---	---	1 100%	178 91.0%
<b>Sev. Level E</b> # Stayed Cases % Rec. Jail	28 96.4%	9 88.9%	4 100%	3 100%	---	---	---	44 95.5%
<b>Sev. Level F</b> # Stayed Cases % Rec. Jail	31 90.3%	6 83.3%	4 75.0%	3 100%	---	---	---	44 88.6%
<b>Sev. Level G</b> # Stayed Cases % Rec. Jail	61 86.9%	18 83.3%	8 62.5%	16 50.0%	3 66.7%	6 83.3%	4 100%	116 79.3%
<b>Sev. Level H Failure to Register</b> # Stayed Cases % Rec. Jail	43 86.1%	34 82.4%	37 97.3%	30 86.7%	22 95.5%	12 66.7%	16 81.3%	194 87.1%
<b>Column Total</b> # Stayed Cases % Rec. Jail	340 90.9%	92 82.6%	65 87.7%	61 80.3%	25 92.0%	19 73.7%	24 87.5%	626 87.7%

## *Average Pronounced Sentences*

**How to read Tables 22a and 22b:** The format of Tables 22a and 22b mirror the format of the Standard Grid and the Sex Offender Grid. The bottom number in each cell is the total number of offenders sentenced at that severity level and criminal history score who received an executed prison sentence. The top figure is the average sentence pronounced by the court (in months). These tables do not include the 8 offenders who received life sentences in 2012.

For example, the average pronounced prison sentence for the 14 offenders sentenced to prison at Severity Level 11, Criminal History Score of 0, was 337.5 months. The average sentence pronounced for all 3,585 offenders receiving an executed prison sentence was 44.3 months for offenders with presumptive sentences on the Standard Grid. Life sentences are excluded from average duration calculations; only offenders sentenced for attempted, or conspiracy to commit, first-degree murder are included in Table 22a.

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 22a and are displayed on Table 22b.

**Table 22a. Average Prison Sentence  
Offenders Receiving Executed Prison Sentences  
Average Length of Pronounced Prison Sentence (in months)**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Att. Murder 1</i>								
Avg. Pronounced	136.0	326.0	279.0	204.0	220.0	---	---	225.0
# Prison Cases	2	1	2	1	2			8
<b>Sev. Level 11</b>								
Avg. Pronounced	337.5	269.9	442.8	377.2	478.3	322.8	405.0	356.3
# Prison Cases	14	7	5	5	3	4	2	40
<b>Sev. Level 10</b>								
Avg. Pronounced	154.7	169.5	232.0	252.0	315.0	245.0	343.5	202.3
# Prison Cases	14	2	3	1	2	2	2	26
<b>Sev. Level 9</b>								
Avg. Pronounced	81.4	84.3	103.0	92.7	106.2	128.3	118.3	95.3
# Prison Cases	87	22	34	26	19	12	29	229
<b>Sev. Level 8</b>								
Avg. Pronounced	44.7	54.9	56.5	71.1	79.0	82.2	108.8	66.8
# Prison Cases	117	67	66	57	44	26	69	446
<b>Sev. Level 7</b>								
Avg. Pronounced	31.0	37.4	43.6	47.6	54.4	57.0	65.7	52.3
# Prison Cases	2	11	39	39	45	24	39	199
<b>Sev. Level 6</b>								
Avg. Pronounced	28.6	37.4	43.5	42.2	46.7	46.7	54.4	44.7
# Prison Cases	68	69	98	121	116	62	168	702
<b>Sev. Level 5</b>								
Avg. Pronounced	18.0	22.0	27.6	27.5	37.0	41.8	48.6	38.1
# Prison Cases	4	10	10	48	27	21	76	196
<b>Sev. Level 4</b>								
Avg. Pronounced	16.5	15.0	16.2	20.6	21.3	23.4	29.3	24.4
# Prison Cases	20	9	37	58	194	172	314	804
<b>Sev. Level 3</b>								
Avg. Pronounced	12.0	12.8	15.9	17.6	17.4	18.6	24.0	20.3
# Prison Cases	4	6	17	13	50	55	115	260
<b>Sev. Level 2</b>								
Avg. Pronounced	13.0	12.0	14.3	14.5	16.2	17.3	20.0	17.4
# Prison Cases	39	42	44	53	55	60	290	583
<b>Sev. Level 1</b>								
Avg. Pronounced	12.0	12.0	12.0	13.0	14.0	15.3	18.1	16.6
# Prison Cases	2	2	5	3	11	9	60	92
<b>Total</b>								
Avg. Pronounced	60.2	48.7	51.4	45.5	40.3	37.6	40.1	44.3
# Prison Cases	373	248	360	425	568	447	1,164	3,585

**Table 22b. Average Prison Sentence for Sex Offender Grid  
Offenders Receiving Executed Prison Sentences  
Average Length of Pronounced Prison Sentence (in months)**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b> Avg. Pronounced # Prison Cases	135.8 41	173.3 7	146.4 5	191.6 10	230.3 4	283.5 3	327.3 16	191.1 86
<b>Sev. Level B</b> Avg. Pronounced # Prison Cases	87.6 12	104.0 3	121.0 4	116.3 6	100.0 1	255.0 1	255.0 2	117.6 29
<b>Sev. Level C</b> Avg. Pronounced # Prison Cases	41.2 13	58.8 4	71.8 4	79.0 5	80.3 5	138.0 3	146.3 4	75.1 38
<b>Sev. Level D</b> Avg. Pronounced # Prison Cases	40.1 7	48.0 2	56.5 6	57.5 10	103 3	104.5 4	122.8 5	71.2 37
<b>Sev. Level E</b> Avg. Pronounced # Prison Cases	24.0 1	48.0 1	---	---	---	120.0 1	---	64.0 64
<b>Sev. Level F</b> Avg. Pronounced # Prison Cases	18.0 1	---	24.0 1	45.0 2	---	77.5 2	---	47.8 6
<b>Sev. Level G</b> Avg. Pronounced # Prison Cases	15.0 1	20.0 1	---	30.0 1	39.8 5	43.0 4	77.0 3	44.5 15
<b>Sev. Level H</b> <i>Failure to Register</i> Avg. Pronounced # Prison Cases	12.2 12	15.2 17	15.9 32	17.0 45	20.3 29	25.3 24	26.3 38	19.7 197
<b>Column Total</b> Avg. Pronounced # Prison Cases	86.8 88	62.3 35	45.6 52	56.6 79	53.6 47	71.2 42	120.3 68	78.9 411

**How to read Tables 23a and 23b:** The format of Tables 23a and 23b mirror the format of the Standard Grid and the Sex Offender Grid. The bottom number in each cell is the total number of offenders sentenced at that severity level and criminal history score who received local incarceration as a condition of their sentence. The top figure is the average duration pronounced by the court (in days). For example, the average pronounced local confinement time for the 268 offenders at Severity Level 1, Criminal History Score of 0, was 48.7 days. The average for all 9,289 offenders who received local confinement as a condition of probation or a local confinement sentence was 105.7 days for offenders with presumptive sentences on the Standard grid. First-degree murder was included in the Commission's data for the first time in 2006; those offenders are displayed at Severity Level 12.

The Sex Offender Grid went into effect August 1, 2006. In 2012, 1,039 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 23a and are displayed on Table 23b.

**Table 23a. Average Local Confinement Time  
Offenders Receiving Local Incarceration (“Jail”)  
as a Condition of Probation  
Average Length of Pronounced Conditional Confinement (in days)**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i> Avg. Pronounced # with Jail	---	---	---	---	---	---	---	0
<b>Sev. Level 11</b> Avg. Pronounced # with Jail	---	---	---	---	---	---	---	0
<b>Sev. Level 10</b> Avg. Pronounced 1# with Jail	365 1	---	---	---	---	---	---	365 1
<b>Sev. Level 9</b> Avg. Pronounced # with Jail	228.6 73	211.8 12	295.0 12	275.6 5	264.7 3	365 1	283.5 2	239.5 108
<b>Sev. Level 8</b> Avg. Pronounced # with Jail	250.8 140	263.5 48	251.1 19	279.0 12	252.9 7	365.0 2	244.3 4	255.8 231
<b>Sev. Level 7</b> Avg. Pronounced # with Jail	164.6 125	199.0 155	204.7 68	238.8 23	173.0 14	219.7 9	298.6 11	193.9 405
<b>Sev. Level 6</b> Avg. Pronounced # with Jail	123.2 439	160.5 156	178.6 108	192.6 28	207.1 20	210.2 13	245.4 16	146.9 780
<b>Sev. Level 5</b> Avg. Pronounced # with Jail	73.3 265	117.1 139	136.9 97	214.3 23	262.0 9	272.9 7	254.7 9	110.1 549
<b>Sev. Level 4</b> Avg. Pronounced # with Jail	56.8 957	85.6 566	102.4 482	119.3 388	152.5 109	192.9 44	175.4 74	90.3 2,620
<b>Sev. Level 3</b> Avg. Pronounced # with Jail	48.3 366	73.7 164	96.9 130	99.4 88	178.8 32	174.9 21	188.1 18	78.0 819
<b>Sev. Level 2</b> Avg. Pronounced # with Jail	61.5 1,227	88.8 644	110.4 469	115.5 328	138.0 248	151.4 164	171.1 107	94.0 3,187
<b>Sev. Level 1</b> Avg. Pronounced # with Jail	48.7 268	63.8 112	66.3 71	98.4 57	143.4 42	137.4 27	184.1 13	72.3 590
<b>Total</b> Avg. Pronounced # with Jail	79.4 3,861	106.3 1,996	119.0 1,456	125.0 950	153.1 484	168.1 288	189.4 254	105.7 9,289



**Table 23b. Average Local Confinement Time for Sex Offender Grid  
Offenders Receiving Local Confinement (“Jail”)  
as a Condition of Probation  
Average Length of Local Confinement (in days)**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b> Avg. Pronounced # Prison Cases	282.0 15	365.0 2	304.0 1	365.0 1	---	---	365.0 1	299.7 20
<b>Sev. Level B</b> Avg. Pronounced # Prison Cases	318.8 4	---	---	---	---	365.0 1	365.0 1	334.2 6
<b>Sev. Level C</b> Avg. Pronounced # Prison Cases	289.4 14	365.0 1	475.5 2	365.0 1	---	---	180.0 1	311.2 19
<b>Sev. Level D</b> Avg. Pronounced # Prison Cases	152.2 131	172.9 17	334.5 6	224.4 7	---	---	120.0 1	164.0 162
<b>Sev. Level E</b> Avg. Pronounced # Prison Cases	148.3 27	240.0 8	192.5 4	241.7 3	---	---	---	176.6 42
<b>Sev. Level F</b> Avg. Pronounced # Prison Cases	85.3 28	108.0 5	99.7 3	216.0 3	---	---	---	99.4 39
<b>Sev. Level G</b> Avg. Pronounced # Prison Cases	91.8 53	122.1 15	171.6 5	149.1 8	227.5 2	223.0 5	94.0 4	116.2 92
<b>Sev. Level H</b> <i>Failure to Register</i> Avg. Pronounced # Prison Cases	95.7 37	97.9 28	112.0 36	171.7 26	144.9 21	122.3 8	134.9 13	123.3 169
<b>Column Total</b> Avg. Pronounced # Prison Cases	143.3 309	145.6 76	166.8 57	190.4 49	152.1 23	175.6 14	150.4 21	151.8 549

Departure Rates

**Table 24. Dispositional Departure Rates for All Cases and for Presumptive Commitments by Gender, Race, and Judicial District**

		All Cases								Presumptive Commits		
		Total Cases	Total Disp. Dep. Rate	No Departure		Aggravated		Mitigated		Number Pres. Commit	Mitigated	
				#	%	#	%	#	%		#	%
<b>Gender</b>	Male	12,699	15.4%	10,740	84.6%	450	3.5%	1,509	11.9%	4,752	1,509	31.8%
	Female	2,508	12.1%	2,204	87.9%	90	3.6%	214	8.5%	436	214	49.1%
<b>Race/ Ethnicity</b>	White	8,777	14.6%	7,492	85.4%	333	3.8%	952	10.8%	2,604	952	36.6%
	Black	4,073	16.2%	3,412	83.8%	136	3.3%	525	12.9%	1,758	525	29.9%
	American Indian	1,080	13.9%	930	86.1%	36	3.3%	114	10.6%	383	114	29.8%
	Hispanic	908	13.3%	787	86.7%	23	2.5%	98	10.8%	330	98	29.7%
	Asian	361	12.7%	315	87.3%	12	3.3%	34	9.4%	111	34	30.6%
<b>Judicial District</b>	First	1,898	13.9%	1,634	86.1%	58	3.1%	206	10.9%	543	206	37.9%
	Second	2,099	12.2%	1,843	87.8%	62	3.0%	194	9.2%	793	194	24.5%
	Third	1,296	14.1%	1,113	85.9%	52	4.0%	131	10.1%	406	131	32.3%
	Fourth	2,891	17.9%	2,373	82.1%	89	3.1%	429	14.8%	1,200	429	35.8%
	Fifth	819	17.7%	674	82.3%	40	4.9%	105	12.8%	250	105	42.0%
	Sixth	930	16.9%	773	83.1%	29	3.1%	128	13.8%	287	128	44.6%
	Seventh	1,499	12.5%	1,312	87.5%	50	3.3%	137	9.1%	535	137	25.6%
	Eighth	417	14.9%	355	85.1%	19	4.6%	43	10.3%	137	43	31.4%
	Ninth	1,323	16.4%	1,106	83.6%	77	5.8%	140	10.6%	418	140	33.5%
	Tenth	2,035	13.5%	1,761	86.5%	64	3.1%	210	10.3%	619	210	33.9%
<b>Overall</b>		<b>15,207</b>	<b>14.9%</b>	<b>12,944</b>	<b>85.1%</b>	<b>540</b>	<b>3.6%</b>	<b>1,723</b>	<b>11.3%</b>	<b>5,188</b>	<b>1,723</b>	<b>33.2%</b>

Table 25. Overall Durational Departure Rates: 1981-2012

Year	All Cases							
	Total Cases	Total Dur. Dep. Rate	No Departure		Aggravated		Mitigated	
			#	%	#	%	#	%
2012	15,207	15.1%	1,2910	84.9%	237	1.6%	2,060	13.5%
2011	14,571	14.1%	12,522	85.9%	196	1.3%	1,853	12.7%
2010	14,311	13.7%	12,355	86.3%	215	1.5%	1,741	12.2%
2009	14,840	12.7%	12,959	87.3%	223	1.5%	1,658	11.2%
2008	15,394	12.2%	13,517	87.8%	252	1.6%	1,625	10.6%
2007	16,168	11.8%	14,262	88.2%	319	2.0%	1,587	9.8%
2006	16,446	12.2%	14,447	87.8%	349	2.1%	1,650	10.0%
2005	15,462	12.3%	13,562	87.7%	381	2.5%	1,519	9.8%
2004	14,751	13.9%	12,701	86.1%	445	3.0%	1,605	10.9%
2003	14,492	15.3%	12,276	84.7%	542	3.7%	1,674	11.6%
2002	12,978	15.4%	10,980	84.6%	522	4.0%	1,476	11.4%
2001	10,796	16.3%	9,035	83.7%	541	5.0%	1,220	11.3%
2000	10,395	15.8%	8,753	84.2%	529	5.1%	1,113	10.7%
1999	10,634	14.9%	9,050	85.1%	516	4.9%	1,068	10.0%
1998	10,887	14.8%	9,294	85.4%	514	4.7%	1,079	9.9%
1997	9,847	13.8%	8,484	86.2%	394	4.0%	969	9.8%
1996	9,480	11.0%	8,437	89.0%	428	4.5%	615	6.5%
1995	9,421	10.1%	8,474	89.9%	383	4.1%	564	6.0%
1994	9,787	9.3%	8,879	90.7%	396	4.0%	512	5.2%
1993	9,637	9.0%	8,768	91.0%	336	3.5%	533	5.5%
1992	9,325	10.3%	8,367	89.7%	359	3.9%	599	6.4%
1991	9,161	9.9%	8,250	90.1%	334	3.6%	577	6.3%
1990	8,844	9.4%	8,012	90.6%	298	3.4%	534	6.0%
1989	7,974	8.5%	7,293	91.5%	221	2.8%	460	5.8%
1988	7,572	7.3%	7,016	92.7%	196	2.6%	360	4.8%
1987	6,674	7.4%	6,180	92.6%	162	2.4%	332	5.0%
1986	6,032	6.5%	5,639	93.5%	114	1.9%	279	4.6%
1985	6,236	6.8%	5,815	93.2%	107	1.7%	314	5.0%
1984	5,792	7.7%	5,347	92.3%	167	2.9%	278	4.8%
1983	5,562	7.7%	5,135	92.3%	109	2.0%	318	5.7%
1982	6,066	7.2%	5,627	92.8%	144	2.4%	295	4.9%
1981	5,500	8.5%	5,030	91.5%	142	2.6%	328	6.0%

**Table 26. Overall Durational Departure Rates by Gender, Race, and Judicial District**

		All Cases							
		Total Cases	Total Dur. Dep. Rate	No Departure		Aggravated		Mitigated	
				#	%	#	%	#	%
<b>Gender</b>	Male	12,699	15.5%	10,727	84.5%	208	1.6%	1,764	13.9%
	Female	2,508	13.0%	2,183	87.0%	29	1.2%	296	11.8%
<b>Race/ Ethnicity</b>	White	8,777	12.3%	7,694	87.7%	119	1.4%	964	11.0%
	Black	4,073	22.2%	3,167	77.8%	85	2.1%	821	20.2%
	American Indian	1,080	11.3%	958	88.7%	16	1.5%	106	9.8%
	Hispanic	908	14.6%	775	85.4%	13	1.4%	120	13.2%
	Asian	361	14.1%	310	85.9%	4	1.1%	47	13.0%
	<b>Judicial District</b>	First	1,898	19.5%	1,527	80.5%	32	1.7%	339
	Second	2,099	15.5%	1,773	84.5%	26	1.2%	300	14.3%
	Third	1,296	7.9%	1,194	92.1%	14	1.1%	88	6.8%
	Fourth	2,891	31.6%	1,978	68.4%	86	3.0%	827	28.6%
	Fifth	819	8.7%	748	91.3%	9	1.1%	62	7.6%
	Sixth	930	7.3%	862	92.7%	6	0.6%	62	6.7%
	Seventh	1,499	8.9%	1,365	91.1%	17	1.1%	117	7.8%
	Eighth	417	7.9%	384	92.1%	7	1.7%	26	6.2%
	Ninth	1,323	7.1%	1,229	92.9%	19	1.4%	75	5.7%
	Tenth	2,035	9.1%	1,850	90.9%	21	1.0%	164	8.1%
<b>Overall</b>		<b>15,207</b>	<b>15.1%</b>	<b>12,910</b>	<b>84.9%</b>	<b>237</b>	<b>1.6%</b>	<b>2,060</b>	<b>13.5%</b>

**Table 27. Durational Departure Rates for Executed Prison Sentences by Gender, Race, and Judicial District**

		Executed Prison Sentences Only							
		# Executed Prison	Total Dur. Dep. Rate	<u>No Departure</u>		<u>Aggravated</u>		<u>Mitigated</u>	
				#	%	#	%	#	%
<b>Gender</b>	Male	3,692	28.7%	2,634	71.3%	132	3.6%	926	25.1%
	Female	312	25.3%	233	74.7%	8	2.6%	71	22.8%
<b>Race/ Ethnicity</b>	White	1,984	22.7%	1,533	77.3%	64	3.2%	387	19.5%
	Black	1,369	38.1%	847	61.9%	52	3.8%	470	34.3%
	American Indian	305	24.3%	231	75.7%	14	4.6%	60	19.7%
	Hispanic	255	25.5%	190	74.5%	8	3.1%	57	22.4%
	Asian	89	27.0%	65	73.0%	2	2.2%	22	24.7%
<b>Judicial District</b>	First	395	25.1%	296	74.9%	18	4.6%	81	20.5%
	Second	661	30.9%	457	69.1%	19	2.9%	185	28.0%
	Third	327	14.4%	280	85.6%	12	3.7%	35	10.7%
	Fourth	860	57.1%	369	42.9%	45	5.2%	446	51.9%
	Fifth	185	18.9%	150	81.1%	3	1.6%	32	17.3%
	Sixth	188	21.3%	148	78.7%	4	2.1%	36	19.1%
	Seventh	448	14.7%	382	85.3%	13	2.9%	53	11.8%
	Eighth	113	14.2%	97	85.8%	4	3.5%	12	10.6%
	Ninth	355	15.5%	300	84.5%	12	3.4%	43	12.1%
	Tenth	472	17.8%	388	82.2%	10	2.1%	74	15.7%
<b>Overall</b>		<b>4,004</b>	<b>28.4%</b>	<b>2,867</b>	<b>71.6%</b>	<b>140</b>	<b>3.5%</b>	<b>997</b>	<b>24.9%</b>

County Tables

Table 28. Number of Offenders Sentenced and Incarceration Rates

County	Number of Offenders Sentenced			Incarceration Rate				Total	
	2011	2012	Percent Change	Prison		Local Confinement		Number	Percent
				Number	Percent	Number	Percent		
Aitkin	49	65	32.7%	14	21.5%	51	78.5%	65	100%
Anoka	685	702	2.5%	145	20.7%	520	74.1%	665	94.7%
Becker	104	128	23.1%	48	37.5%	79	61.7%	127	99.2%
Beltrami	175	170	-2.9%	42	24.7%	115	67.6%	157	92.4%
Benton	122	134	9.8%	46	34.3%	87	64.9%	133	99.3%
Big Stone	10	11	10.0%	3	27.3%	8	72.7%	11	100%
Blue Earth	164	196	19.5%	47	24.0%	123	62.8%	170	86.7%
Brown	36	42	16.7%	8	19.0%	31	73.8%	39	92.9%
Carlton	147	142	-3.4%	19	13.4%	112	78.9%	131	92.3%
Carver	117	110	-6.0%	22	20.0%	63	57.3%	85	77.3%
Cass	126	109	-13.5%	28	25.7%	45	41.3%	73	67.0%
Chippewa	33	34	3.0%	10	29.4%	20	58.8%	30	88.2%
Chisago	110	119	8.2%	27	22.7%	77	64.7%	104	87.4%
Clay	199	187	-6.0%	50	26.7%	131	70.1%	181	96.8%
Clearwater	22	42	90.9%	9	21.4%	29	69.0%	38	90.5%
Cook	11	8	-27.3%	2	25.0%	1	12.5%	3	37.5%
Cottonwood	24	35	45.8%	3	8.6%	30	85.7%	33	94.3%
Crow Wing	187	195	4.3%	56	28.7%	81	41.5%	137	70.3%
Dakota	967	1,082	11.9%	230	21.3%	716	66.2%	946	87.4%
Dodge	32	28	-12.5%	3	10.7%	18	64.3%	21	75.0%
Douglas	90	107	18.9%	31	29.0%	75	70.1%	106	99.1%
Faribault	37	56	51.4%	10	17.9%	42	75.0%	52	92.9%
Fillmore	29	34	17.2%	6	17.6%	25	73.5%	31	91.2%
Freeborn	92	90	-2.2%	18	20.0%	66	73.3%	84	93.3%
Goodhue	125	125	0.0%	24	19.2%	94	75.2%	118	94.4%
Grant	10	9	-10.0%	1	11.1%	8	88.9%	9	100%
Hennepin	2,936	2,891	-1.5%	860	29.7%	1,749	60.5%	2,609	90.2%
Houston	43	48	11.6%	7	14.6%	36	75.0%	43	89.6%
Hubbard	62	103	66.1%	23	22.3%	77	74.8%	100	97.1%
Isanti	88	107	21.6%	22	20.6%	81	75.7%	103	96.3%

# Sentencing Practices | 2012

County	Number of Offenders Sentenced			Incarceration Rate				Total	
				Prison		Local Confinement			
	2011	2012	Percent Change	Number	Percent	Number	Percent	Number	Percent
Itasca	150	192	28.0%	55	28.6%	123	64.1%	178	92.7%
Jackson	20	34	70.0%	10	29.4%	20	58.8%	30	88.2%
Kanabec	86	73	-15.1%	26	35.6%	47	64.4%	73	100%
Kandiyohi	156	139	-10.9%	34	24.5%	104	74.8%	138	99.3%
Kittson	8	7	-12.5%	1	14.3%	4	57.1%	5	71.4%
Koochiching	24	38	58.3%	9	23.7%	17	44.7%	26	68.4%
Lac Qui Parle	12	11	-8.3%	2	18.2%	7	63.6%	9	81.8%
Lake	20	20	0.0%	1	5.0%	13	65.0%	14	70.0%
Lake of the Woods	11	10	-9.1%	2	20.0%	6	60.0%	8	80.0%
LeSueur	43	52	20.9%	14	26.9%	27	51.9%	41	78.8%
Lincoln	4	8	100%	1	12.5%	5	62.5%	6	75.0%
Lyon	97	85	-12.4%	15	17.6%	63	74.1%	78	91.8%
McLeod	94	97	3.2%	18	18.6%	74	76.3%	92	94.8%
Mahnomen	43	46	7.0%	14	30.4%	27	58.7%	41	89.1%
Marshall	11	23	109.1%	5	21.7%	18	78.3%	23	100%
Martin	56	81	44.6%	15	18.5%	58	71.6%	73	90.1%
Meeker	44	44	0.0%	14	31.8%	27	61.4%	41	93.2%
Mille Lacs	145	158	9.0%	57	36.1%	99	62.7%	156	98.7%
Morrison	98	80	-18.4%	21	26.3%	56	70.0%	77	96.3%
Mower	158	145	-8.2%	38	26.2%	20	13.8%	58	40.0%
Murray	9	14	55.6%	7	50.0%	7	50.0%	14	100%
Nicollet	43	51	18.6%	14	27.5%	34	66.7%	48	94.1%
Nobles	67	67	0.0%	15	22.4%	40	59.7%	55	82.1%
Norman	8	16	100%	4	25.0%	11	68.8%	15	93.8%
Olmsted	429	441	2.8%	138	31.3%	249	56.5%	387	87.8%
Otter Tail	108	134	24.1%	34	25.4%	87	64.9%	121	90.3%
Pennington	57	53	-7.0%	10	18.9%	34	64.2%	44	83.0%
Pine	103	112	8.7%	34	30.4%	77	68.8%	111	99.1%
Pipestone	16	21	31.3%	5	23.8%	11	52.4%	16	76.2%
Polk	212	215	1.4%	75	34.9%	128	59.5%	203	94.4%
Pope	17	22	29.4%	2	9.1%	19	86.4%	21	95.5%
Ramsey	1,961	2,099	7.0%	661	31.5%	1,424	67.8%	2,085	99.3%
Red Lake	11	9	-18.2%	3	33.3%	5	55.6%	8	88.9%
Redwood	54	85	57.4%	28	32.9%	56	65.9%	84	98.8%

# Sentencing Practices | 2012

County	Number of Offenders Sentenced			Incarceration Rate				Total	
				Prison		Local Confinement			
	2011	2012	Percent Change	Number	Percent	Number	Percent	Number	Percent
Renville	36	47	30.6%	17	36.2%	22	46.8%	39	83.0%
Rice	141	174	23.4%	39	22.4%	123	70.7%	162	93.1%
Rock	9	6	-33.3%	0	0.0%	5	83.3%	5	83.3%
Roseau	27	30	11.1%	5	16.7%	23	76.7%	28	93.3%
St. Louis	743	760	2.3%	166	21.8%	465	61.2%	631	83.0%
Scott	377	400	6.1%	76	19.0%	248	62.0%	324	81.0%
Sherburne	246	230	-6.5%	69	30.0%	154	67.0%	223	97.0%
Sibley	33	32	-3.0%	11	34.4%	20	62.5%	31	96.9%
Stearns	512	473	-7.6%	138	29.2%	321	67.9%	459	97.0%
Steele	84	99	17.9%	34	34.3%	50	50.5%	84	84.8%
Stevens	12	18	50.0%	9	50.0%	9	50.0%	18	100%
Swift	19	27	42.1%	9	33.3%	18	66.7%	27	100%
Todd	49	53	8.2%	13	24.5%	39	73.6%	52	98.1%
Traverse	9	9	0.0%	1	11.1%	8	88.9%	9	100%
Wabasha	53	36	-32.1%	7	19.4%	25	69.4%	32	88.9%
Wadena	45	45	0.0%	10	22.2%	33	73.3%	43	95.6%
Waseca	37	64	73.0%	8	12.5%	38	59.4%	46	71.9%
Washington	489	463	-5.3%	108	23.3%	330	71.3%	438	94.6%
Watonwan	25	38	52.0%	7	18.4%	28	73.7%	35	92.1%
Wilkin	11	17	54.5%	3	17.6%	14	82.4%	17	100%
Winona	134	137	2.2%	29	21.2%	86	62.8%	115	83.9%
Wright	241	229	-5.0%	41	17.9%	177	77.3%	218	95.2%
Yellow Medicine	32	29	-9.4%	8	27.6%	15	51.7%	23	79.3%
<b>Total</b>	<b>14,571</b>	<b>15,207</b>	<b>4.4%</b>	<b>4,004</b>	<b>26.3%</b>	<b>9,838</b>	<b>64.7%</b>	<b>13,842</b>	<b>91.0%</b>



**Table 29. Dispositional Departure Rates  
For All Cases and for Presumptive Commits**

County	Total Number	All Cases						Presumptive Commits		
		No Departure		Aggravated Departure		Mitigated Departure		Mitigated Departures		
		Number	Percent	Number	Percent	Number	Percent	Number	Number	Percent
Aitkin	65	55	84.6%	3	4.6%	7	10.8%	18	7	38.9%
Anoka	702	594	84.6%	24	3.4%	84	12.0%	205	84	41.0%
Becker	128	117	91.4%	5	3.9%	6	4.7%	49	6	12.2%
Beltrami	170	155	91.2%	9	5.3%	6	3.5%	39	6	15.4%
Benton	134	124	92.5%	3	2.2%	7	5.2%	50	7	14.0%
Big Stone	11	10	90.9%	0	0.0%	1	9.1%	4	1	25.0%
Blue Earth	196	144	73.5%	20	10.2%	32	16.3%	59	32	54.2%
Brown	42	34	81.0%	3	7.1%	5	11.9%	10	5	50.0%
Carlton	142	116	81.7%	4	2.8%	22	15.5%	37	22	59.5%
Carver	110	94	85.5%	3	2.7%	13	11.8%	32	13	40.6%
Cass	109	80	73.4%	8	7.3%	21	19.3%	41	21	51.2%
Chippewa	34	32	94.1%	1	2.9%	1	2.9%	10	1	10.0%
Chisago	119	108	90.8%	1	0.8%	10	8.4%	36	10	27.8%
Clay	187	172	92.0%	7	3.7%	8	4.3%	51	8	15.7%
Clearwater	42	39	92.9%	2	4.8%	1	2.4%	8	1	12.5%
Cook	8	5	62.5%	2	25.0%	1	12.5%	1	1	100%
Cottonwood	35	19	54.3%	0	0.0%	16	45.7%	19	16	84.2%
Crow Wing	195	159	81.5%	17	8.7%	19	9.7%	58	19	32.8%
Dakota	1,082	959	88.6%	25	2.3%	98	9.1%	303	98	32.3%
Dodge	28	25	89.3%	1	3.6%	2	7.1%	4	2	50.0%
Douglas	107	101	94.4%	5	4.7%	1	0.9%	27	1	3.7%
Faribault	56	47	83.9%	0	0.0%	9	16.1%	19	9	47.4%
Fillmore	34	31	91.2%	2	5.9%	1	2.9%	5	1	20.0%
Freeborn	90	80	88.9%	4	4.4%	6	6.7%	20	6	30.0%
Goodhue	125	94	75.2%	5	4.0%	26	20.8%	45	26	57.8%
Grant	9	8	88.9%	1	11.1%	0	0.0%	0	0	---
Hennepin	2,891	2,373	82.1%	89	3.1%	429	14.8%	1,200	429	35.8%
Houston	48	39	81.3%	3	6.3%	6	12.5%	10	6	60.0%
Hubbard	103	102	99.0%	0	0.0%	1	1.0%	24	1	4.2%
Isanti	107	87	81.3%	3	2.8%	17	15.9%	36	17	47.2%
Itasca	192	141	73.4%	12	6.3%	39	20.3%	82	39	47.6%
Jackson	34	28	82.4%	1	2.9%	5	14.7%	14	5	35.7%
Kanabec	73	63	86.3%	1	1.4%	9	12.3%	34	9	26.5%

County	Total Number	All Cases						Presumptive Commits		
		No Departure		Aggravated Departure		Mitigated Departure		Mitigated Departures		
		Number	Percent	Number	Percent	Number	Percent	Number	Number	Percent
Kandiyohi	139	123	88.5%	2	1.4%	14	10.1%	46	14	30.4%
Kittson	7	6	85.7%	0	0.0%	1	14.3%	2	1	50.0%
Koochiching	38	32	84.2%	5	13.2%	1	2.6%	5	1	20.0%
Lac Qui Parle	11	11	100%	0	0.0%	0	0.0%	2	0	0.0%
Lake	20	17	85.0%	0	0.0%	3	15.0%	4	3	75.0%
Lake of the Woods	10	7	70.0%	0	0.0%	3	30.0%	5	3	60.0%
LeSueur	52	42	80.8%	5	9.6%	5	9.6%	14	5	35.7%
Lincoln	8	7	87.5%	0	0.0%	1	12.5%	2	1	50.0%
Lyon	85	76	89.4%	2	2.4%	7	8.2%	20	7	35.0%
McLeod	97	77	79.4%	5	5.2%	15	15.5%	28	15	53.6%
Mahnomen	46	37	80.4%	0	0.0%	9	19.6%	23	9	39.1%
Marshall	23	18	78.3%	1	4.3%	4	17.4%	8	4	50.0%
Martin	81	72	88.9%	2	2.5%	7	8.6%	20	7	35.0%
Meeker	44	35	79.5%	4	9.1%	5	11.4%	15	5	33.3%
Mille Lacs	158	131	82.9%	9	5.7%	18	11.4%	66	18	27.3%
Morrison	80	70	87.5%	3	3.8%	7	8.8%	25	7	28.0%
Mower	145	126	86.9%	7	4.8%	12	8.3%	43	12	27.9%
Murray	14	11	78.6%	3	21.4%	0	0.0%	4	0	0.0%
Nicollet	51	44	86.3%	3	5.9%	4	7.8%	15	4	26.7%
Nobles	67	57	85.1%	2	3.0%	8	11.9%	21	8	38.1%
Norman	16	13	81.3%	1	6.3%	2	12.5%	5	2	40.0%
Olmsted	441	389	88.2%	17	3.9%	35	7.9%	156	35	22.4%
Otter Tail	134	114	85.1%	1	0.7%	19	14.2%	52	19	36.5%
Pennington	53	46	86.8%	2	3.8%	5	9.4%	13	5	38.5%
Pine	112	95	84.8%	6	5.4%	11	9.8%	39	11	28.2%
Pipestone	21	20	95.2%	1	4.8%	0	0.0%	4	0	0.0%
Polk	215	183	85.1%	16	7.4%	16	7.4%	75	16	21.3%
Pope	22	18	81.8%	1	4.5%	3	13.6%	4	3	75.0%
Ramsey	2,099	1,843	87.8%	62	3.0%	194	9.2%	793	194	24.5%
Red Lake	9	7	77.8%	0	0.0%	2	22.2%	5	2	40.0%
Redwood	85	79	92.9%	2	2.4%	4	4.7%	30	4	13.3%
Renville	47	34	72.3%	5	10.6%	8	17.0%	20	8	40.0%
Rice	174	147	84.5%	4	2.3%	23	13.2%	58	23	39.7%
Rock	6	6	100%	0	0.0%	0	0.0%	0	0	---

County	Total Number	All Cases						Presumptive Commits		
		No Departure		Aggravated Departure		Mitigated Departure		Mitigated Departures		
		Number	Percent	Number	Percent	Number	Percent	Number	Number	Percent
Roseau	30	26	86.7%	1	3.3%	3	10.0%	7	3	42.9%
St. Louis	760	635	83.6%	23	3.0%	102	13.4%	245	102	41.6%
Scott	400	343	85.8%	12	3.0%	45	11.3%	109	45	41.3%
Sherburne	230	210	91.3%	6	2.6%	14	6.1%	77	14	18.2%
Sibley	32	25	78.1%	3	9.4%	4	12.5%	12	4	33.3%
Stearns	473	406	85.8%	13	2.7%	54	11.4%	179	54	30.2%
Steele	99	90	90.9%	5	5.1%	4	4.0%	33	4	12.1%
Stevens	18	13	72.2%	3	16.7%	2	11.1%	8	2	25.0%
Swift	27	26	96.3%	1	3.7%	0	0.0%	8	0	0.0%
Todd	53	41	77.4%	4	7.5%	8	15.1%	17	8	47.1%
Traverse	9	8	88.9%	0	0.0%	1	11.1%	2	1	50.0%
Wabasha	36	31	86.1%	2	5.6%	3	8.3%	8	3	37.5%
Wadena	45	36	80.0%	0	0.0%	9	20.0%	19	9	47.4%
Waseca	64	52	81.3%	2	3.1%	10	15.6%	16	10	62.5%
Washington	463	409	88.3%	14	3.0%	40	8.6%	134	40	29.9%
Watonwan	38	30	78.9%	1	2.6%	7	18.4%	13	7	53.8%
Wilkin	17	11	64.7%	1	5.9%	5	29.4%	7	5	71.4%
Winona	137	103	75.2%	5	3.6%	29	21.2%	53	29	54.7%
Wright	229	195	85.2%	9	3.9%	25	10.9%	58	25	43.1%
Yellow Medicine	29	26	89.7%	0	0.0%	3	10.3%	11	3	27.3%
<b>Total</b>	<b>15,207</b>	<b>12,944</b>	<b>85.1%</b>	<b>540</b>	<b>3.6%</b>	<b>1,723</b>	<b>11.3%</b>	<b>5,188</b>	<b>1,723</b>	<b>33.2%</b>

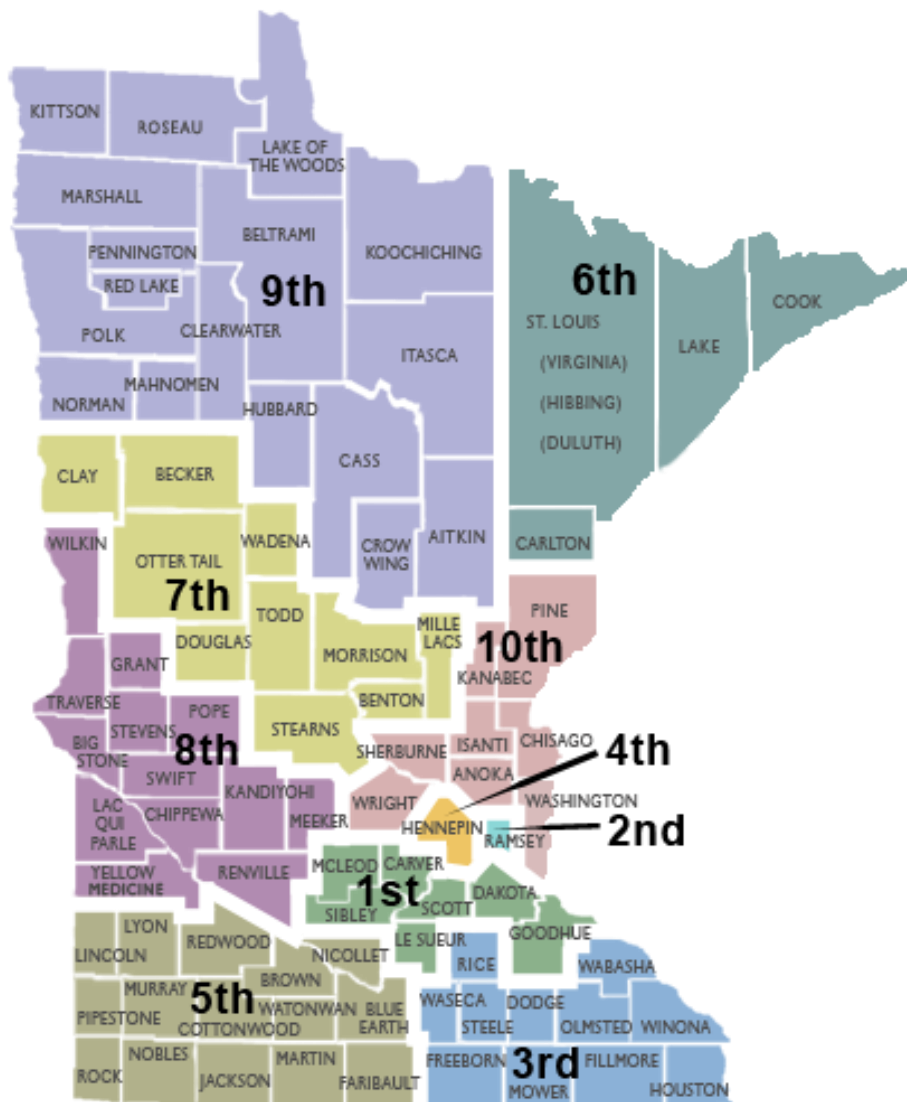
**Table 30. Durational Departure Rates  
Executed Prison Sentences Only**

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Percent	Number	Percent	Number	Percent
Aitkin	14	14	100%	0	0.0%	0	0.0%
Anoka	145	122	84.1%	3	2.1%	20	13.8%
Becker	48	45	93.8%	1	2.1%	2	4.2%
Beltrami	42	38	90.5%	1	2.4%	3	7.1%
Benton	46	44	95.7%	0	0.0%	2	4.3%
Big Stone	3	2	66.7%	0	0.0%	1	33.3%
Blue Earth	47	40	85.1%	0	0.0%	7	14.9%
Brown	8	8	100%	0	0.0%	0	0.0%
Carlton	19	11	57.9%	1	5.3%	7	36.8%
Carver	22	14	63.6%	3	13.6%	5	22.7%
Cass	28	25	89.3%	2	7.1%	1	3.6%
Chippewa	10	10	100%	0	0.0%	0	0.0%
Chisago	27	20	74.1%	0	0.0%	7	25.9%
Clay	50	50	100%	0	0.0%	0	0.0%
Clearwater	9	8	88.9%	0	0.0%	1	11.1%
Cook	2	2	100%	0	0.0%	0	0.0%
Cottonwood	3	3	100%	0	0.0%	0	0.0%
Crow Wing	56	45	80.4%	2	3.6%	9	16.1%
Dakota	230	179	77.8%	8	3.5%	43	18.7%
Dodge	3	2	66.7%	0	0.0%	1	33.3%
Douglas	31	26	83.9%	3	9.7%	2	6.5%
Faribault	10	8	80.0%	0	0.0%	2	20.0%
Fillmore	6	6	100%	0	0.0%	0	0.0%
Freeborn	18	15	83.3%	1	5.6%	2	11.1%
Goodhue	24	16	66.7%	0	0.0%	8	33.3%
Grant	1	1	100%	0	0.0%	0	0.0%
Hennepin	860	369	42.9%	45	5.2%	446	51.9%
Houston	7	6	85.7%	0	0.0%	1	14.3%
Hubbard	23	21	91.3%	2	8.7%	0	0.0%
Isanti	22	20	90.9%	1	4.5%	1	4.5%
Itasca	55	41	74.5%	2	3.6%	12	21.8%
Jackson	10	4	40.0%	0	0.0%	6	60.0%
Kanabec	26	22	84.6%	0	0.0%	4	15.4%
Kandiyohi	34	31	91.2%	0	0.0%	3	8.8%

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Percent	Number	Percent	Number	Percent
Kittson	1	1	100%	0	0.0%	0	0.0%
Koochiching	9	5	55.6%	0	0.0%	4	44.4%
Lac Qui Parle	2	2	100%	0	0.0%	0	0.0%
Lake	1	0	0.0%	0	0.0%	1	100%
Lake of the Woods	2	2	100%	0	0.0%	0	0.0%
LeSueur	14	9	64.3%	2	14.3%	3	21.4%
Lincoln	1	1	100%	0	0.0%	0	0.0%
Lyon	15	13	86.7%	0	0.0%	2	13.3%
McLeod	18	11	61.1%	1	5.6%	6	33.3%
Mahnomen	14	9	64.3%	0	0.0%	5	35.7%
Marshall	5	5	100%	0	0.0%	0	0.0%
Martin	15	9	60.0%	1	6.7%	5	33.3%
Meeker	14	12	85.7%	1	7.1%	1	7.1%
Mille Lacs	57	47	82.5%	2	3.5%	8	14.0%
Morrison	21	17	81.0%	1	4.8%	3	14.3%
Mower	38	30	78.9%	5	13.2%	3	7.9%
Murray	7	4	57.1%	1	14.3%	2	28.6%
Nicollet	14	13	92.9%	0	0.0%	1	7.1%
Nobles	15	11	73.3%	1	6.7%	3	20.0%
Norman	4	4	100%	0	0.0%	0	0.0%
Olmsted	138	121	87.7%	2	1.4%	15	10.9%
Otter Tail	34	29	85.3%	1	2.9%	4	11.8%
Pennington	10	9	90.0%	1	10.0%	0	0.0%
Pine	34	27	79.4%	2	5.9%	5	14.7%
Pipestone	5	4	80.0%	0	0.0%	1	20.0%
Polk	75	66	88.0%	2	2.7%	7	9.3%
Pope	2	1	50.0%	0	0.0%	1	50.0%
Ramsey	661	457	69.1%	19	2.9%	185	28.0%
Red Lake	3	3	100%	0	0.0%	0	0.0%
Redwood	28	25	89.3%	0	0.0%	3	10.7%
Renville	17	11	64.7%	2	11.8%	4	23.5%
Rice	39	36	92.3%	2	5.1%	1	2.6%
Rock	0	0	---	0	---	0	---
Roseau	5	4	80.0%	0	0.0%	1	20.0%
St. Louis	166	135	81.3%	3	1.8%	28	16.9%

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Percent	Number	Percent	Number	Percent
Scott	76	58	76.3%	3	3.9%	15	19.7%
Sherburne	69	63	91.3%	1	1.4%	5	7.2%
Sibley	11	9	81.8%	1	9.1%	1	9.1%
Stearns	138	102	73.9%	5	3.6%	31	22.5%
Steele	34	26	76.5%	1	2.9%	7	20.6%
Stevens	9	8	88.9%	1	11.1%	0	0.0%
Swift	9	8	88.9%	0	0.0%	1	11.1%
Todd	13	13	100%	0	0.0%	0	0.0%
Traverse	1	1	100%	0	0.0%	0	0.0%
Wabasha	7	7	100%	0	0.0%	0	0.0%
Wadena	10	9	90.0%	0	0.0%	1	10.0%
Waseca	8	7	87.5%	0	0.0%	1	12.5%
Washington	108	80	74.1%	2	1.9%	26	24.1%
Watonwan	7	7	100%	0	0.0%	0	0.0%
Wilkin	3	2	66.7%	0	0.0%	1	33.3%
Winona	29	24	82.8%	1	3.4%	4	13.8%
Wright	41	34	82.9%	1	2.4%	6	14.6%
Yellow Medicine	8	8	100%	0	0.0%	0	0.0%
<b>Total</b>	<b>4,004</b>	<b>2,867</b>	<b>71.6%</b>	<b>140</b>	<b>3.5%</b>	<b>997</b>	<b>24.9%</b>

## Minnesota Judicial District Map




<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
LeSueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	LacQuiParle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Traverse	Lake-Woods	
		Winona		Nobles			Wilkin	Mahnomen	
				Pipestone			Yellow Medicine	Marshall	
				Redwood				Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	


Minnesota Judicial Branch at <http://mncourts.gov/?page=238>

## Sentencing Guidelines Grid – Effective August 1, 2012

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings)	<b>11</b>	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480</i> <sup>2</sup>	426 <i>363-480</i> <sup>2</sup>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	<b>10</b>	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Assault, 1st Degree</i> <i>Controlled Substance Crime, 1st Degree</i>	<b>9</b>	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Aggravated Robbery, 1st Degree</i> <i>Controlled Substance Crime, 2nd Degree</i>	<b>8</b>	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI</i>	<b>7</b>	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84</i> <sup>2</sup>
<i>Controlled Substance Crime, 3rd Degree</i>	<b>6</b>	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary</i> <i>Simple Robbery</i>	<b>5</b>	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	<b>4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	<b>2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

 Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See Guidelines section, for policies regarding those sentences controlled by law.

 Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. Guidelines sections 2.C. Presumptive Sentence and 2.E. Mandatory Sentences.

12<sup>1</sup>=One year and one day

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. Guidelines section 2.C.1-2. Presumptive Sentence.



## Sex Offender Grid – Effective August 1, 2012

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

### CRIMINAL HISTORY SCORE

SEVERITY LEVEL OF CONVICTION OFFENSE		0	1	2	3	4	5	6 or More
CSC 1 <sup>st</sup> Degree	<b>A</b>	144 <i>144-172</i>	156 <i>144-187</i>	168 <i>144-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360</i> <sup>2</sup>
CSC 2 <sup>nd</sup> Degree– (c)(d)(e)(f)(h) Prostitution; Sex Trafficking <sup>3</sup> 1 <sup>st</sup> Degree–1(a)	<b>B</b>	90 <i>90</i> <sup>3</sup> -108	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-300</i>	300 <i>255-300</i> <sup>2</sup>
CSC 3 <sup>rd</sup> Degree–(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2 <sup>nd</sup> Degree–1a	<b>C</b>	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-180</i>	180 <i>153-180</i> <sup>2</sup>
CSC 2 <sup>nd</sup> Degree–(a)(b)(g) CSC 3 <sup>rd</sup> Degree–(a)(b) <sup>2</sup> (e)(f) Dissemination of Child Pornography (Subsequent or by Predatory Offender)	<b>D</b>	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
CSC 4 <sup>th</sup> Degree–(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography <sup>2</sup>	<b>E</b>	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> <sup>2</sup>
CSC 4 <sup>th</sup> Degree– (a)(b)(e)(f) Possession of Child Pornography (Subsequent or by Predatory Offender)	<b>F</b>	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
CSC 5 <sup>th</sup> Degree Indecent Exposure Possession of Child Pornography Solicit Children for Sexual Conduct <sup>2</sup>	<b>G</b>	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> <sup>2</sup>
Registration Of Predatory Offenders	<b>H</b>	12 <sup>1</sup> <i>12</i> <sup>1</sup> -14	14 <i>12</i> <sup>1</sup> -16	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See Guidelines section 2.E. Mandatory Sentences, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. Guidelines sections 2.C. Presumptive Sentence and 2.E. Mandatory Sentences.

12<sup>1</sup>=One year and one day

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. Guidelines section 2.C.1-2. Presumptive Sentence.

<sup>3</sup> Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)