

# Overview of Drugs and Prison in Minnesota

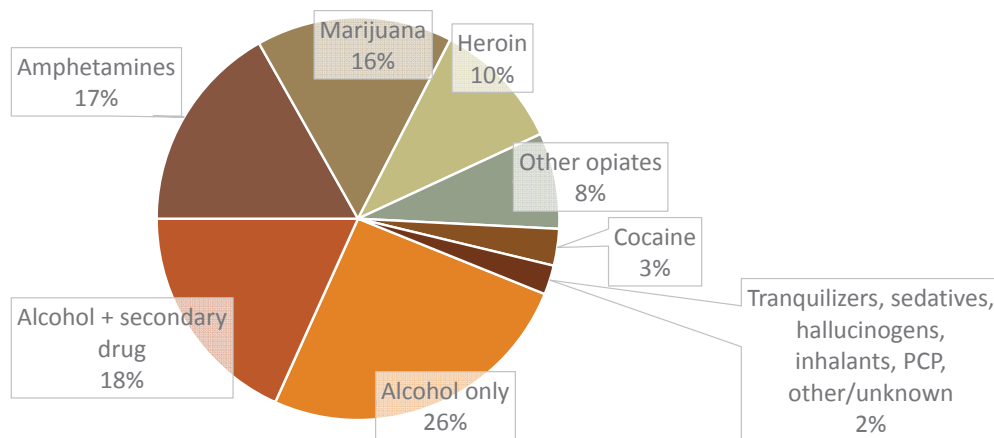
PRESENTATION TO PRISON POPULATION TASKFORCE  
SEN. RON LATZ & REP. TONY CORNISH, CO-CHAIRS

NOVEMBER 18, 2015  
NATE REITZ, MSGC EXECUTIVE DIRECTOR

MINNESOTA SENTENCING GUIDELINES COMMISSION

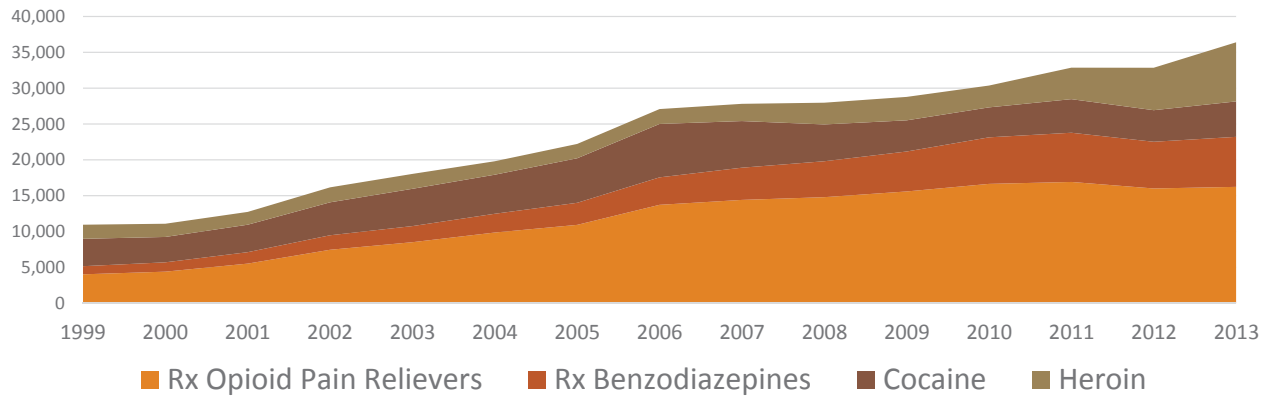
## Over 52,000 Minnesotans are admitted for substance abuse treatment annually

2014 treatment admissions by substance of abuse (SOURCE: SAMHSA)



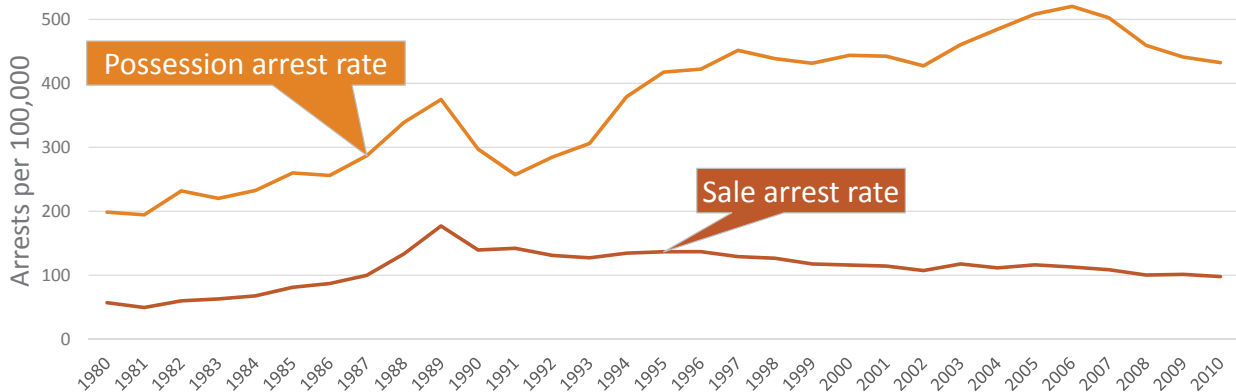
# National rise in drug overdose deaths

National overdose deaths from select prescription and illicit drugs  
(SOURCE: NATIONAL INSTITUTE ON DRUG ABUSE)



# 30-year trends in national arrest rates for drug possession vs. sale

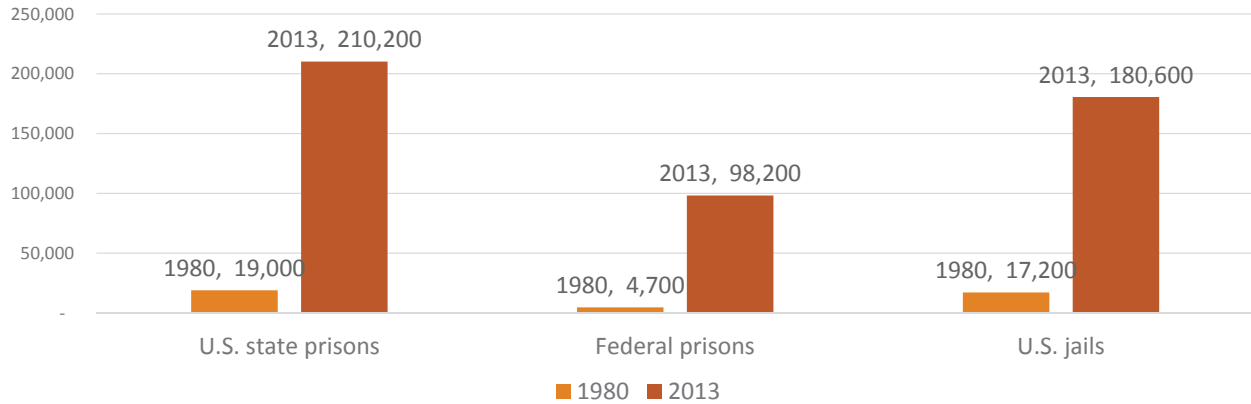
U.S. arrest rates, drug possession/use and drug sale  
(SOURCE: BUREAU OF JUSTICE STATISTICS)



# 13-fold rise in drug imprisonment in 33 yrs. according to national sentencing-reform advocacy group

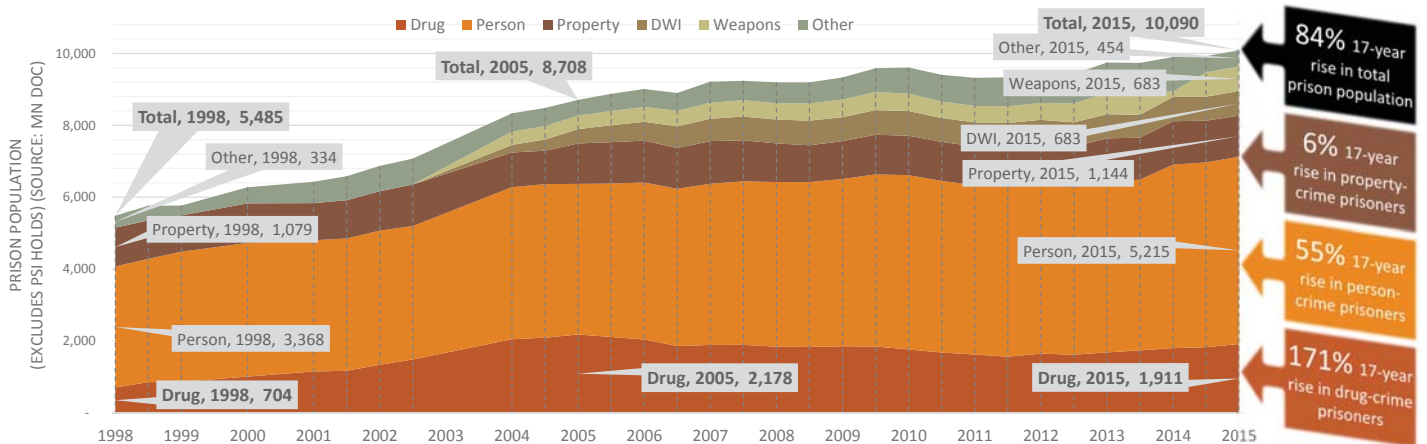
Number of people in prisons and jails for drug offenses, 1980 and 2013

(SOURCE: THE SENTENCING PROJECT, USING BUREAU OF JUSTICE STATISTICS DATA)

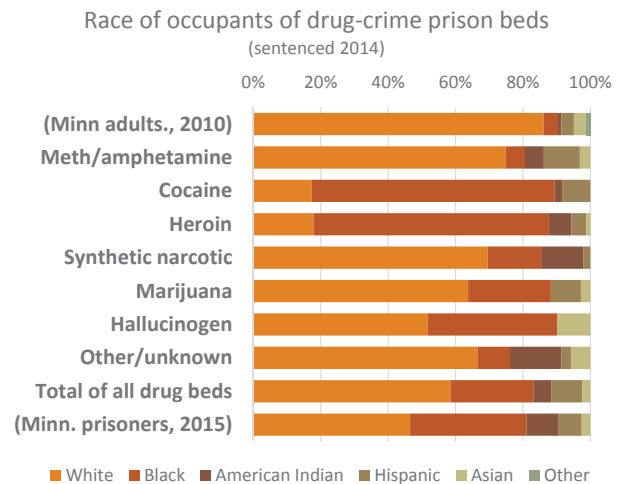
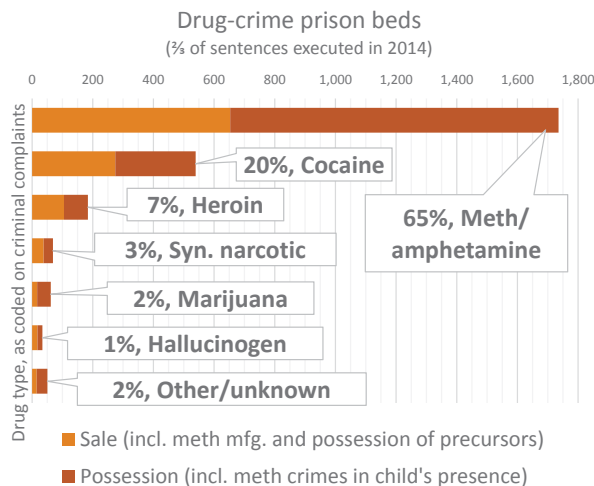


# Minnesota's drug-crime prisoner population tripled from 1998-2005

Minn. state prison population by offense type, 1998-2015



# In 2014, most Minn. prison time for drug crimes was linked to amphetamines (meth)



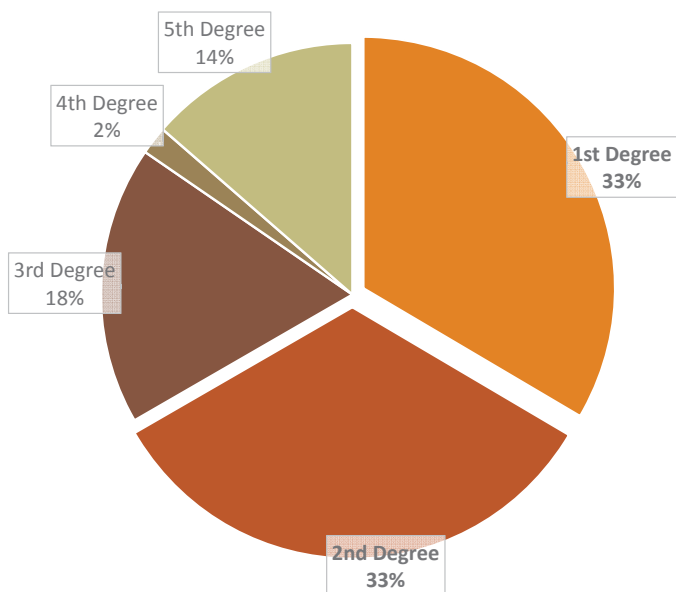
## Sentencing in 1st and 2nd Degree drug cases

The rest of this presentation will focus almost exclusively on sentencing for 1st and 2nd Degree controlled substance crime

Why?

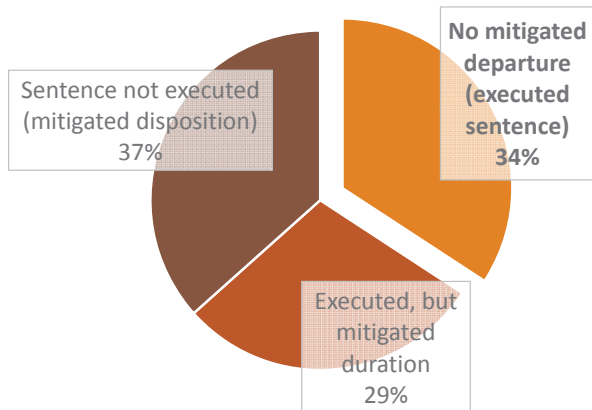
- Most serious, and most studied, drug offenses
- Prison presumed in all cases
- Most prison beds, compared to other degrees

Prison beds from sentences executed 2012-14

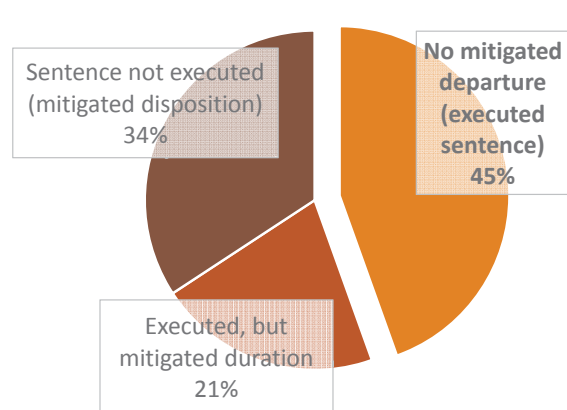


# Fewer than half of 1st and 2nd Degree drug offenders get presumptive sentence

1ST DEGREE DRUG SENTENCES, 2012-14

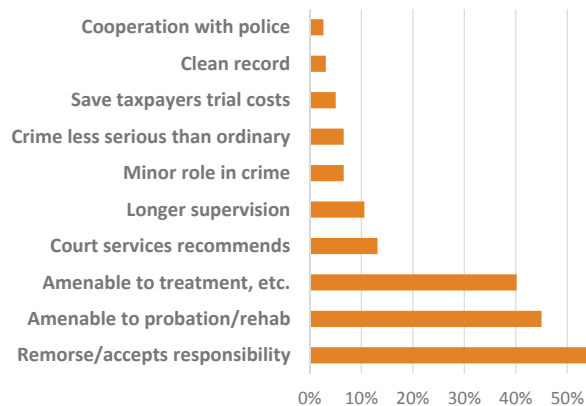


2ND DEGREE DRUG SENTENCES, 2012-14

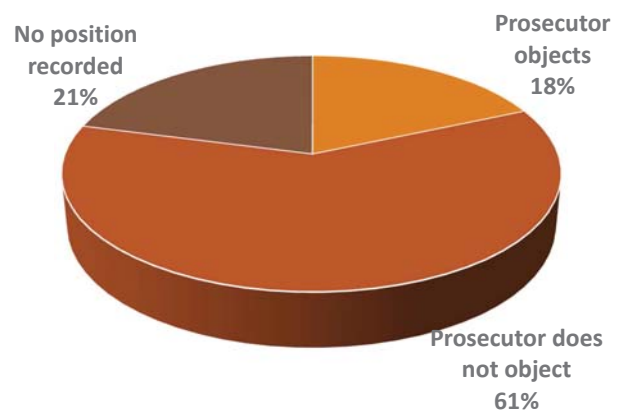


# Reasons for these departures vary

MOST COMMON REASONS FOR DEPARTURE



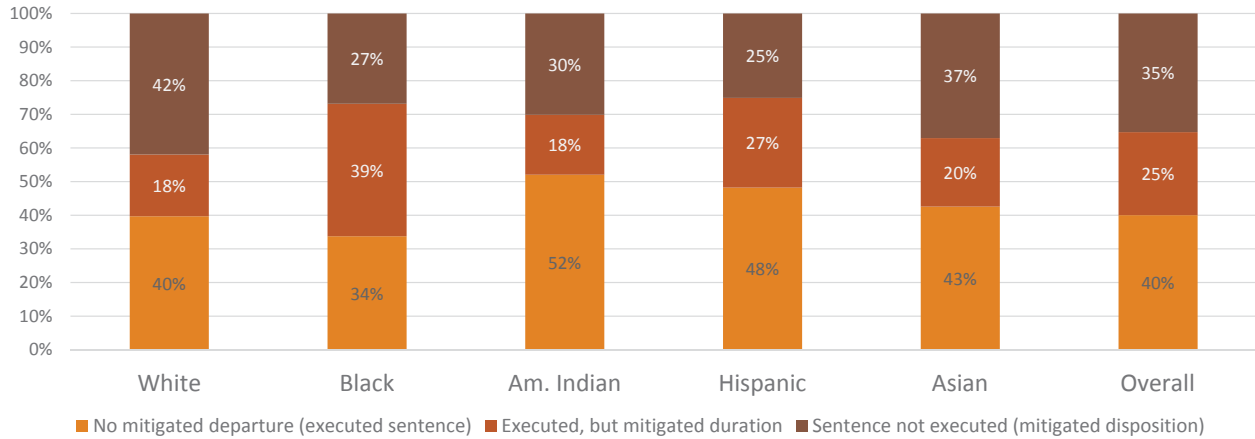
PROSECUTOR'S POSITION ON DEPARTURE



All 1st and 2nd Degree drug sentences with a mitigated departure, 2012-14

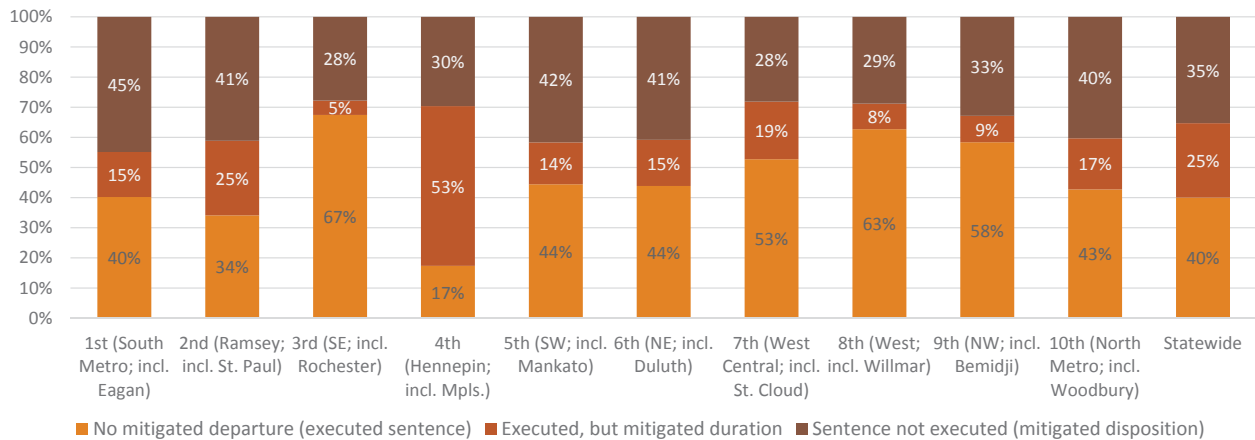
# Departure rates vary by race

Departure rates for 1<sup>st</sup> and 2<sup>nd</sup> Degree drug offenders, sentenced 2012-14



# Departure rates vary by judicial district

Departure rates for 1<sup>st</sup> and 2<sup>nd</sup> Degree drug offenders, sentenced 2012-14



# Significant effects on mitigated departures

Regression analysis: 1<sup>st</sup> and 2<sup>nd</sup> Degree drug offenses sentenced in 2011

## ① RACE/ETHNICITY

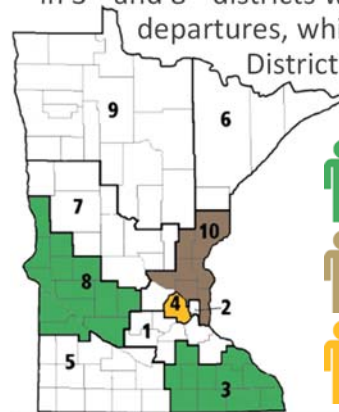
Compared to whites, Hispanics were 64% less likely to get a mitigated departure. This was the only statistically significant effect for race/ethnicity.



*For every 6 white offenders who received a departure, a little over 2 Hispanic offenders received a departure.*

## ② JUDICIAL DISTRICT

Compared to 10<sup>th</sup> District, offenders sentenced in 3<sup>rd</sup> and 8<sup>th</sup> districts were less likely to get departures, while offenders in the 4<sup>th</sup> District were twice as likely to get departures.\*\*



# Significant effects on mitigated departures

Regression analysis: 1<sup>st</sup> and 2<sup>nd</sup> Degree drug offenses sentenced in 2011

## ③ CRIMINAL HISTORY

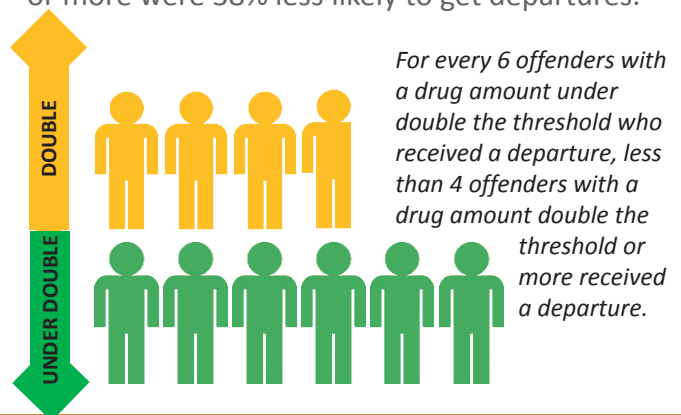
Offenders with criminal history scores of 1 or more were 65% less likely to get departures.



*For every 6 offenders at CHS 0 who received a departure, a little over 2 offenders at a CHS of 1 or more received a departure.*

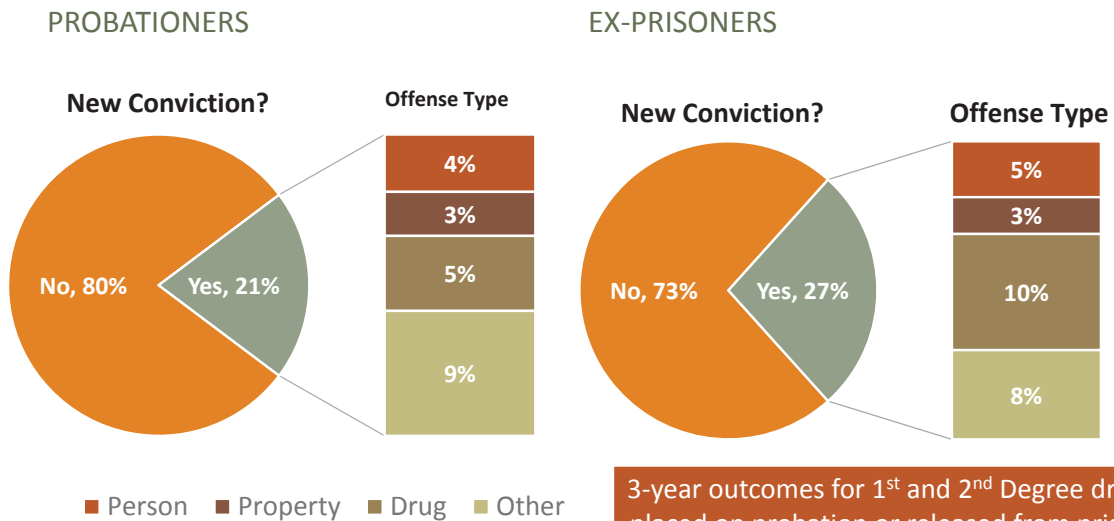
## ④ DRUG WEIGHT

Offenders with double the threshold amount or more were 38% less likely to get departures.

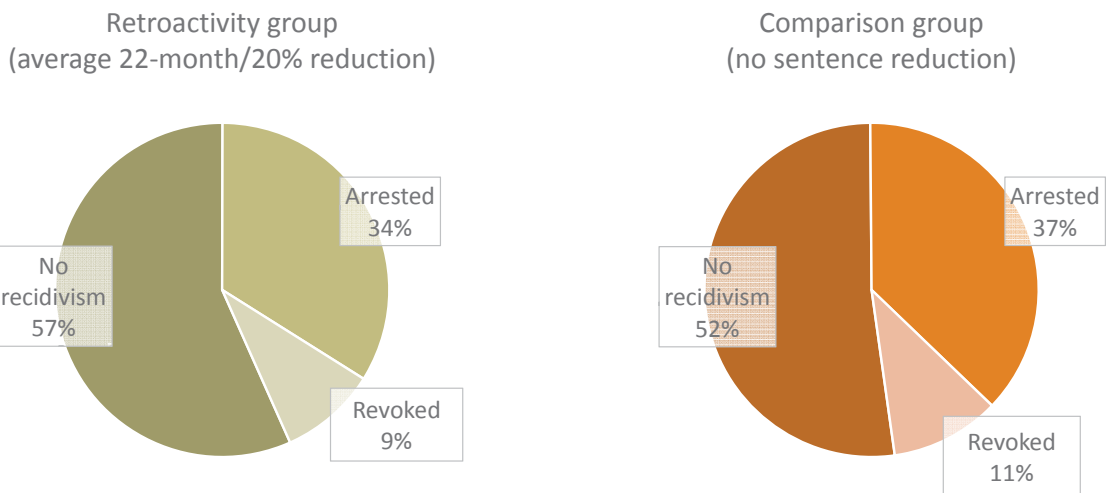


*For every 6 offenders with a drug amount under double the threshold who received a departure, less than 4 offenders with a drug amount double the threshold or more received a departure.*

# For 1st & 2nd Degree drug offenses, probationers reoffend slightly less often than ex-prisoners



# Feds: Retroactively reducing long crack sentences did not affect recidivism




SOURCE: U.S. SENTENCING COMMISSION



# Presumptive sentences in comparable guidelines states


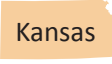



Example of Minn. 1st Degree Sale offense

**Typical 1st Degree Sale drug offender—2011 profile**  
*Crime: Sell, or possess w/ intent to sell, 10 or more grams of cocaine, heroin, or meth in a 90-day period*

	Offense sentenced: 1st Degree Sale
	31 years old White or Hispanic male Sentenced in the Metro area Criminal history score of 0
<b>Drug</b>	Cocaine or meth Less than 20 grams
<b>Act</b>	A confidential, reliable informant (CRI) was used Actual sale transaction(s) Convicted of a first-time drug offense
<b>Other</b>	A gun was not involved, nor were children present Most likely sentenced to probation

## Example 1


Sale of 19 grams of cocaine, no weapon involved  
Criminal history score of 0, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 86 mo. Range 74-103 mo.
 Kansas	Prison 49 mo. Range 46-51 mo.
 Washington	Prison 16 mo. Range 12+ to 20 mo.
 Oregon	Prison Range 16-18 mo. Probation/treatment opt
 Federal	Prison Range 10-16 mo.

# Presumptive sentences in comparable guidelines states


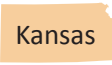



Example of Minn. 1st Degree Possession offense

**Typical 1st Degree Possession drug offender—2011 profile**  
*Crime: Possess 25 or more grams of cocaine, heroin, or meth in a 90-day period*

	Offense sentenced: 1st Degree Possession
	35 years old White male Sentenced in the Metro area Criminal history score of 0
<b>Drug</b>	Cocaine or meth Less than 50 grams
<b>Act</b>	No CRI was used Originally charged with 1st Degree Possession Convicted of a first-time drug offense
<b>Other</b>	A gun was not involved, nor were children present Most likely sentenced to probation

## Example 2


Possess 49 grams of cocaine, no weapon involved  
Criminal history score of 0, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 86 mo. Range 74-103 mo.
 Kansas	Probation 11 mo. Range 10-12 mo.
 Washington	Jail 3 mo. Range 0-6 mo.
 Oregon	Probation 90-180 days jail 3 years supervision
 Federal	No prison required Range 0-6 mo.

# Presumptive sentences in comparable guidelines states


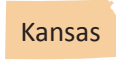



Example of Minn. 2nd Degree Sale offense

## Typical 2nd Degree Sale drug offender—2011 profile *Crime: Sell, or possess w/ intent to sell, 3 or more grams of cocaine, heroin, or meth in a 90-day period*

	Offense sentenced: 2nd Degree Sale
	32 years old White male Sentenced in Greater Minnesota Criminal history score of 0 or 1
<b>Drug</b>	Meth Less than 10 grams
<b>Act</b>	A CRI was used Actual sale transaction(s); originally charged with 2nd Degree Sale Convicted of a first-time drug offense
<b>Other</b>	A gun was not involved, nor were children present Most likely sentenced to the presumptive sentence

### Example 3


Sale of 9 grams of meth, no weapon involved  
Criminal history score of 1, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 58 mo. Range 50-69 mo.
 Kansas	Prison 104 mo. Range 99-110 mo.
 Washington	Prison 16 mo. Range 12-20 mo.
 Oregon	Probation 90-180 days jail 3 years supervision
 Federal	Prison Range 15-21 mo.

# Presumptive sentences in comparable guidelines states


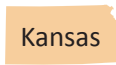



Example of Minn. 2nd Degree Possession offense

## Typical 2nd Degree Possession drug offender—2011 profile *Crime: Possess 6 or more grams of cocaine, heroin, or meth in a 90-day period*

	Offense sentenced: 2nd Degree Possession
	34 years old White male Sentenced in the Metro area Criminal history score of 0 or 1
<b>Drug</b>	Meth Between 12 and 25 grams
<b>Act</b>	No CRI was used Originally charged with 1st Degree Possession Convicted of a first-time drug offense
<b>Other</b>	A gun was not involved, nor were children present Most likely sentenced to the presumptive sentence

### Example 4

Possess 24 grams of meth, no weapon involved  
Criminal history score of 1, first-time drug offense

Jurisdiction	Presumptive sentence
 Minnesota	Prison 58 mo. Range 50-69 mo.
 Kansas	Prison, 104 mo. (99-110) (Unless presumption of intent to sell is rebutted)
 Washington	Jail 16 mo. Range 12-20 mo.
 Oregon	Probation 90-180 days jail 3 years supervision
 Federal	No prison required Range 0-6 mo.

# Appendix: Drug Prisoner Profiles

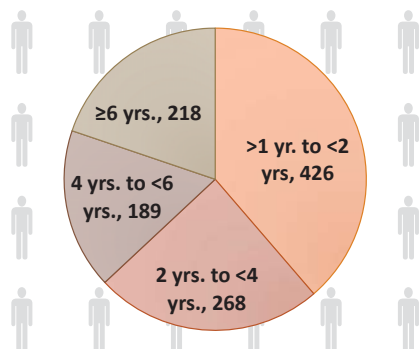
ORIGINALLY PRESENTED TO PRISON POPULATION TASKFORCE  
OCTOBER 21, 2015

11/18/2015

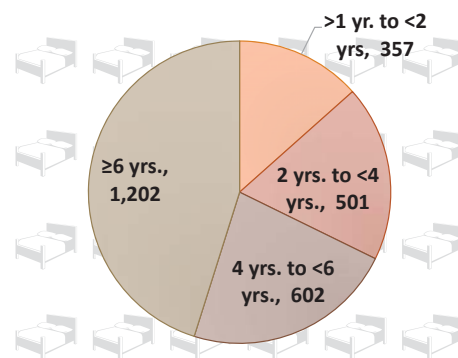
MSGC PRESENTATION TO PRISON POPULATION TASKFORCE

## Examining Drug Offenders, Grouped by Executed Sentence Duration

**Number of Drug Offenders Sentenced to Executed Prison Sentences in 2014, Grouped by Sentence Duration**



**Estimated Prison Beds from Executed Prison Sentences for Drug Offenses in 2014, Grouped by Sentence Duration**

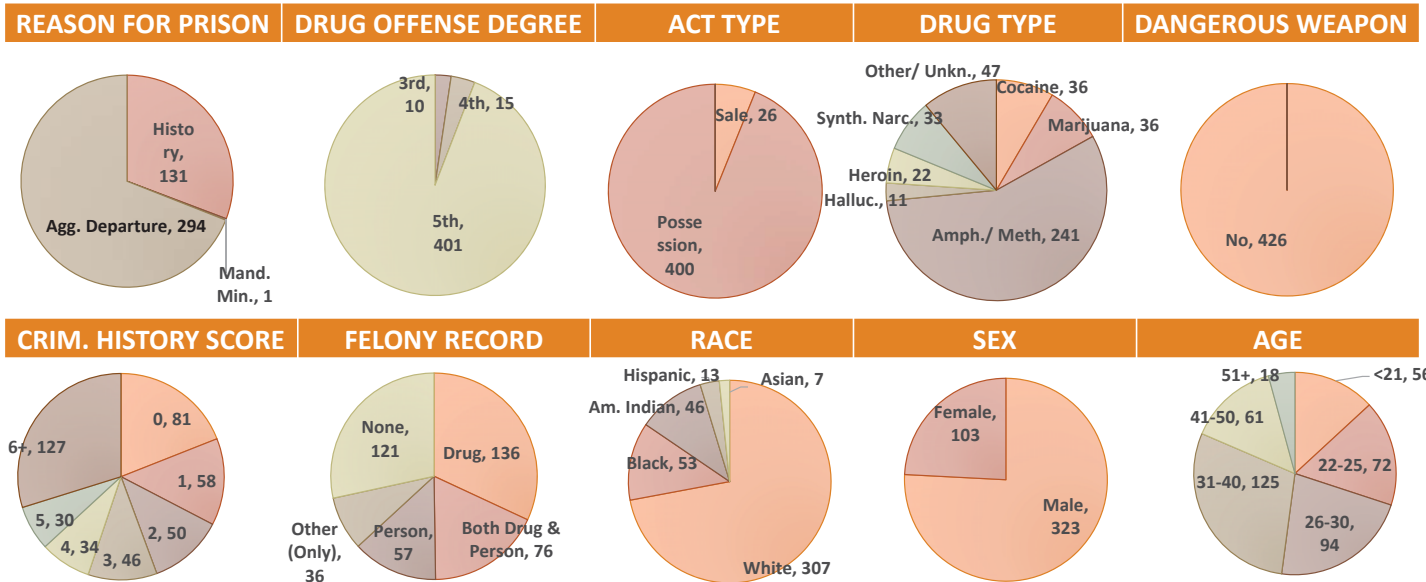


*Note: Data corrected from October presentation*

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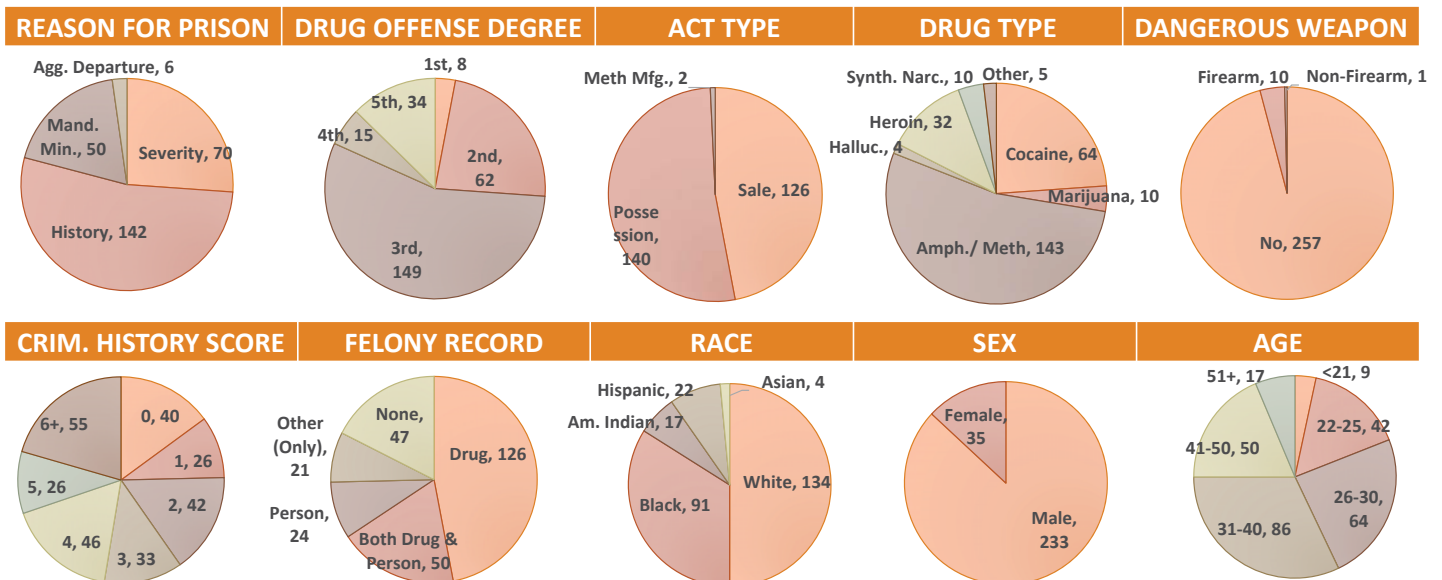
# Characteristics of Cohort Sentenced to Prison for More Than 1, Less Than 2 Yrs.



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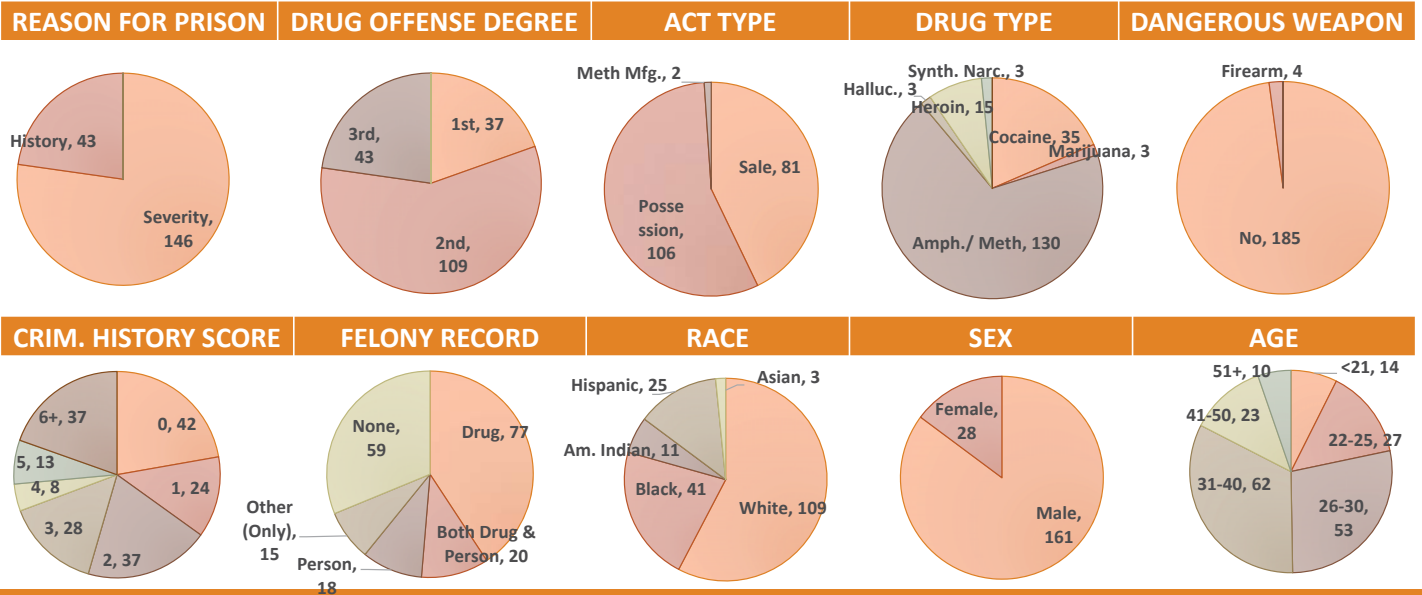
# Characteristics of Cohort Sentenced to Prison for 2 to Less Than 4 Years



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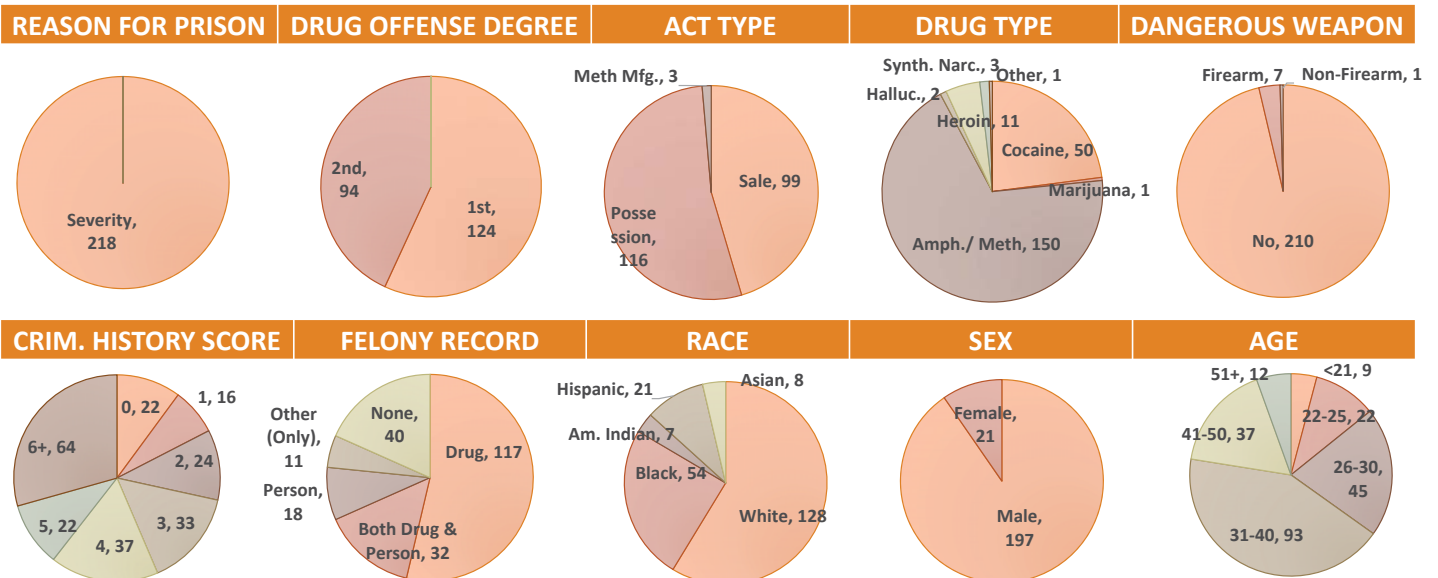
# Characteristics of Cohort Sentenced to Prison for 4 to Less Than 6 Years



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# Characteristics of Cohort Sentenced to Prison for 6 or More Years



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