

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## 2016 Sentencing Practices:

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Annual Summary Statistics for Felony Offenders



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### **Minnesota Sentencing Guidelines Commission**

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### *About This Report*

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this report should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

## 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, particularly crimes against persons, or with lengthy criminal records are sentenced to prison. The Guidelines may be, 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 certain criminal sexual conduct offenses) are excluded from the Guidelines.

A separate Sex Offender Grid, with severity levels from H<sup>1</sup> to A (most serious), is used for sentencing sex offenses. A separate Drug Offender Grid, with severity levels from D1 to D9, was implemented for drug offenses committed after July 31, 2016.

The horizontal axis represents the offender's criminal history and includes points for: variously weighted prior felony sentences; some prior misdemeanor/gross misdemeanor sentences; limited prior serious juvenile offenses; and "custody status," if the offender was placed in confinement or on community supervision before the current offense was committed.

Standard Sentencing Grid

CRIMINAL HISTORY

	0	1	2	3	4	5	6+
SEVERITY 11							
10							
9							
8							
7							
6							
5							
4							
3							
2							
1							

Sex Offender Grid

CRIMINAL HISTORY

	0	1	2	3	4	5	6+
SEVERITY A							
B							
C							
D							
E							
F							
G							
H							

Drug Offender Grid

CRIMINAL HISTORY

	0	1	2	3	4	5	6+
SEVERITY D9							
D8							
D7							
D6							
D5							
D4							
D3							
D2							
D1							

<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.

## **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 within the gray shaded area of the Grids (generally below and to the left of the solid line), 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 within the white area of the Grids (generally above and to the right of the solid line), the Guidelines recommend incarceration in a state prison. The Guidelines 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 deeper 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. According to Minn. Stat. § [244.101](#), when an offender receives an executed prison sentence, the sentence pronounced by the court consists of two parts: a term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to one-third 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 mandatory conditional release that must be served upon release from prison.

The presumptive Guidelines sentence cannot always be determined by simply looking at one of the sentencing grids. The presumptive Guidelines sentence is sometimes more severe 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: <http://mn.gov/sentencing-guidelines>.

## *Changes to the Sentencing Grids over Time*

The following types of changes should be noted when evaluating sentencing information over time:

**2016**

A separate Drug Offender Grid was introduced with severity levels ranging from D1 to D9. The cells on this grid have presumptive dispositions to those found on the standard grid with the following exceptions: D7 is similar to level 8 on the standard grid, but there is a presumptive stayed disposition at criminal history scores of zero and one, and D8 has new presumptive durations.

**2006**

A separate Sex Offender Grid was introduced with Severity Level H to Severity Level A (the most serious). 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**

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

**2002**

Felony Driving While Impaired (DWI) took effect. A new Severity Level 7 was created, with the old Severity Levels 7 through 10 becoming Severity Level 8 through Severity Level 11. Offenses ranked at these levels were moved up by 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 Severity Level 6, went into effect.

**1989**

A number of dramatic changes were made. Presumptive durations at Severity Levels 7 through Severity Level 10 were increased significantly and a weighting scheme was implemented for prior felonies. Previously, felony sentences that were included in the criminal history score were given one point, regardless of the severity of the prior offense.

*The following 2016 legislation<sup>2</sup> impacted felony sentencing:*

- Drug Sentencing Reform Act changed thresholds for some first- through third-degree drug offenses. New aggravated first-degree offense. New gross misdemeanor fifth-degree for possession of small amounts by first-time offenders.
- Fourth-degree assault clarified to eliminate separate physical-assault requirement when offense is committed by throwing or transferring bodily fluids or feces at a peace officer.
- Crime of attempting to hire a minor for prostitution expanded to include intentionally hiring or offering or agreeing to hire an individual who the actor reasonably believes to be a minor.
- Statutory maximum for some felony assaults increased by 25% when motivated by bias.
- Penalty for criminal vehicular homicide enhanced when occurring within ten years of a qualified prior driving offense.
- New crime for nonconsensual dissemination of private sexual images.

<sup>2</sup> For more details, see *Minnesota Felony Sentencing Enhancements: 1987 to 2017* under “Special Topics” at <http://mn.gov/sentencing-guidelines/reports>.



## *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 30-day period is counted as one case; information on the most serious offense is included in the 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 and 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 substantial and compelling reasons cited by the court.

Beginning in 2006, first-degree murder offenses were included in the Commission’s data. Previously, only attempted first-degree murder and conspiracy to commit first-degree murder had been included. First-degree murder has a mandatory life sentence; 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. The MSGC now monitors all life sentences pronounced, by offense type.

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 2016**

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.

Because sentencing practices are closely related to the recommended Guidelines sentence, it is important 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, or 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.

### **Case Volume**

There were 16,927 felony offenders sentenced in 2016, an increase of one percent from 2015. This was the highest volume on record, surpassing the previous record set in 2015. Figures 1 and 2 illustrate an 18-percent growth in the number of offenders sentenced for felony convictions

between 2010 and 2016. This growth can largely be attributed to the growth in drug offenders at 65 percent, and “other”<sup>3</sup> offenders at 22 percent. Significant growth also occurred from 2001 to 2006, when the total volume of felony offenders sentenced increased by 52 percent. This was attributable largely to the implementation of the felony driving while impaired (DWI) law and increases in the number of drug crimes sentenced, particularly methamphetamine cases.

For this report, offenses involving a weapon were moved from the “other” category into their own “weapon”<sup>4</sup> category in order to provide more information about the category “other.” The “weapon” category grew by 53 percent from 2010 to 2016. The specific offense that contributed the most to that growth in the “weapon” category was possession of a firearm by a felon convicted of a crime of violence, which increased from 234 offenders in 2010 to 390 offenders in 2016—a 67-percent growth rate. Person offenses grew by six percent from 2010 to 2016, while property offenses had the smallest growth rate, at two percent. Non-CSC sex offenses<sup>5</sup> grew by four percent. The only offense category that showed a decline during this time period was felony DWI, which declined by 29 percent.

According to Department of Public Safety data, the crime rate has fluctuated over time.<sup>6</sup> Over the past decade, both the number of “index crimes” and the index crime rate have fallen in every year except 2012, when the rate rose by 0.6 percent. The 2016 crime rate of 2,372 index crimes per 100,000 in population represents a decrease of 3.8 percent from the 2015 rate. On the other hand, the number of “violent crimes” rose in 2016; there were 13,407 reported violent crimes, an increase of 0.9 percent from the 13,294 violent crimes reported in 2015.

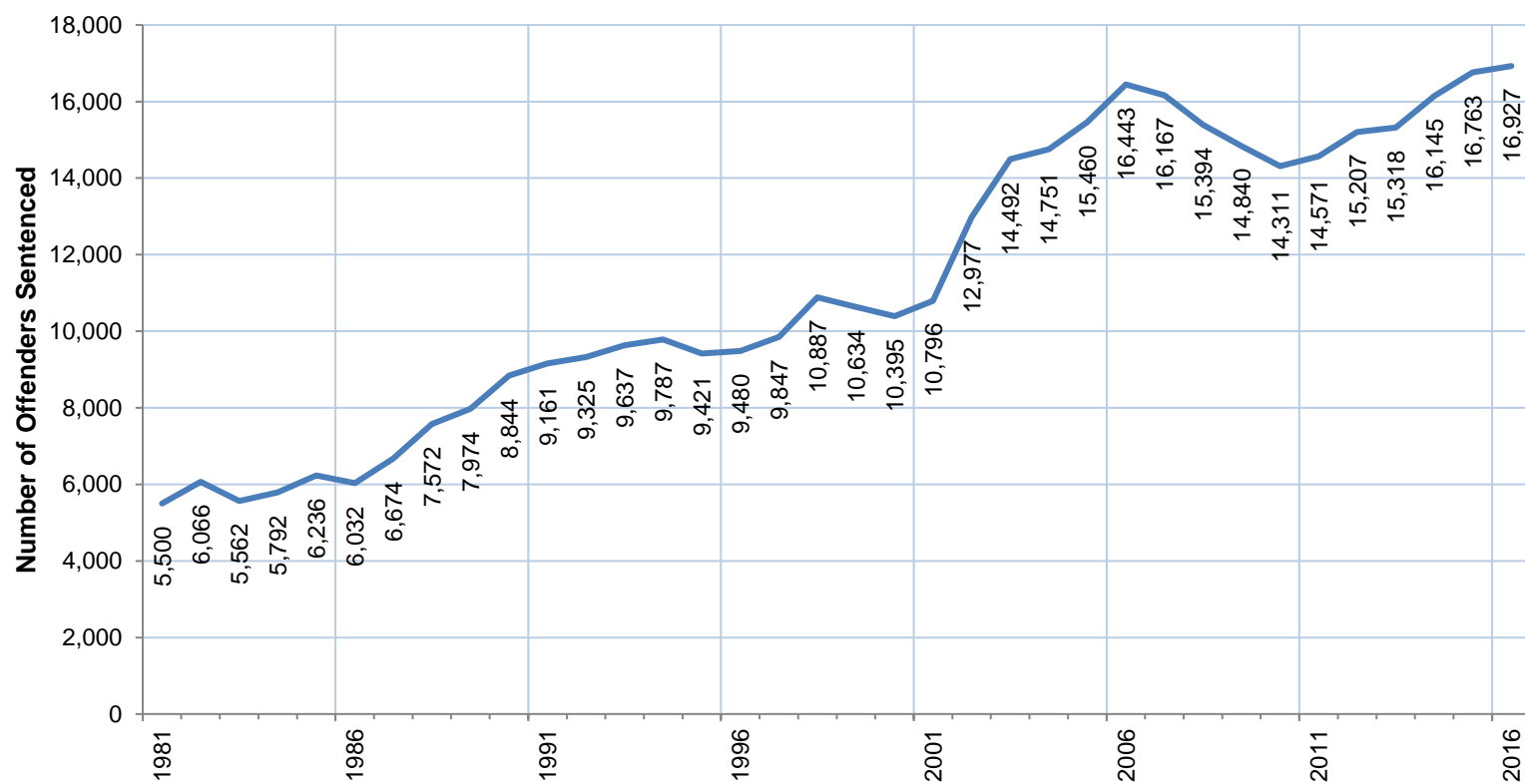
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<sup>3</sup> “Other” category: Fleeing police, escape, and other offenses of less frequency including crimes against the government such as tax offenses, failure to appear in court, and aiding an offender.

<sup>4</sup> “Weapon” offenses include: possession of a firearm by a felon convicted of a crime of violence, firearm discharge, possession of teargas and explosive devices and other weapon related offenses.

<sup>5</sup> “Non-CSC sex offenses” are offenses on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

<sup>6</sup> “Index Crimes” are Murder, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft, and Arson. “Violent Crimes” are Murder, Forcible Rape, Robbery, and Aggravated Assault. *1995 to 2016 Uniform Crime Reports*, State of Minnesota, Department of Public Safety, obtained October 2017 at <https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Pages/uniform-crime-reports.aspx>.

*Case Volume and Distribution***Figure 1. Number of Offenders Sentenced for Felony Convictions, 1981-2016**

**Figure 2. Percent Change in Number of Offenders Sentenced for Felony Convictions, 1982-2016**

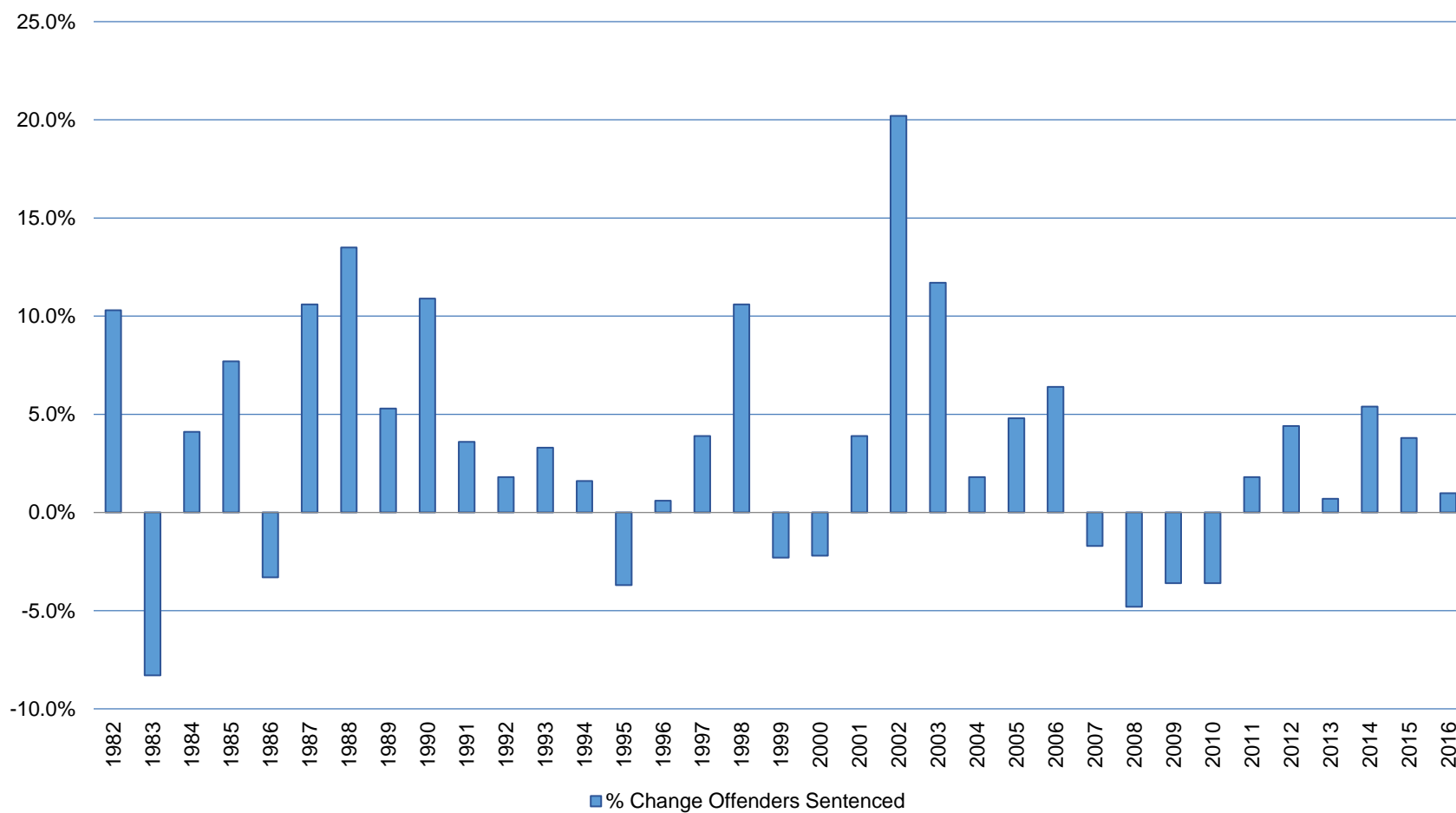


Figure 3. Year-by-Year Percent Change by Offense Type, 2001-2016

Year Sentenced	Total (All Offenses)	Person	Property	Drug	Felony DWI	Non-CSC Sex Offense <sup>7</sup>	Weapon <sup>8</sup>	Other <sup>9 10</sup>
2001	3.9	3.8	4.2	0.0				13.3
2002	20.2	10.4	17.9	31.9				16.3
2003	11.7	6.2	2.4	13.8				2.2
2004	1.8	1.1	-0.8	3.6	6.2			6.2
2005	4.8	6.4	2.0	8.1	-3.0			7.6
2006	6.4	13.7	7.9	2.7	-5.5			1.1
2007	-1.7	7.3	-4.0	-7.1	-6.7			3.7
2008	-4.8	2.9	-11.5	-6.9	6.0			-0.1
2009	-3.6	6.6	-7.0	-7.7	-9.6			-7.0
2010	-3.6	2.0	-6.8	-7.0	-5.3	3.1	-1.3	-3.0
2011	1.8	1.7	-2.4	2.5	-1.0	9.9	9.8	20.3
2012	4.4	3.5	8.8	4.2	-4.4	4.0	18.8	-11.5
2013	0.7	-0.1	-1.7	7.6	-19.2	4.6	13.4	-5.2
2014	5.4	1.4	1.3	14.2	28.6	-2.1	0.2	2.6
2015	3.8	1.6	-0.3	12.6	-10.5	-7.1	2.1	15.0
2016	1.0	-2.5	-3.6	11.4	-19.1	-4.3	1.3	2.2

<sup>7</sup> "Non-CSC sex offenses" are offenses on the Sex Offender Grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

<sup>8</sup> "Weapon" category includes: Possession of a firearm by a felon convicted of a crime of violence, discharge of firearm, and other weapon related offenses.

<sup>9</sup> "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

<sup>10</sup> "Other" category includes DWI before 2004 and non-CSC sex offenses and weapon offenses before 2010.

## **Change in Case Volume by Offense Type**

Figure 3 shows the percent change, by offense type, in the number of offenders sentenced.

### *Person Offenses*

Except for a slight decrease in 2013, the number of person offenses increased every year from 2001 to 2015. In 2016, the number of offenders sentenced for person offenses declined by 2.5 percent. Person offenses accounted for approximately 29 percent of total felony crimes sentenced, a decrease from the peak years of 2010 to 2013, when they comprised 32% of the total (Figure 5).

The following discussion details three subcategories of person offenses: criminal sexual conduct, domestic assault-related offenses, and other assault offenses.

- *Criminal Sexual Conduct (CSC)*

In 2016, 481 offenders were sentenced for CSC, a 12 percent decrease from 2015 (537 offenders sentenced). The 2016 number is the lowest number since 1983. The number has fluctuated since 1981, peaking at 880 offenders in 1994 (45% greater than the number sentenced in 2016). Almost all of the growth since 1981 has been in the CSC child provisions (intra-familial sex abuse and provisions specifying the age of the victim). For a more detailed discussion, see MSGC's *Criminal Sexual Conduct* data report at <http://mn.gov/sentencing-guidelines/reports>.

- *Domestic Assault-Related Offenses*

Much of the growth in person offenses can be attributed to an increase in domestic assault-related offenses, including domestic assault, domestic assault by strangulation, and violations of restraining orders (Figure 4). This may be, in part, due to legislative changes in 2006 that removed the requirement that a prior offense had to be against the same victim, expanded the look-back period to 10 years, and also expanded the list of qualified priors.<sup>11</sup> The number of offenders sentenced for domestic assault grew dramatically from 2006 (100) to 2014 (612). In 2015, the number fell to 568 (a 7% decrease). In 2016, there was a further decrease (8%) to 521 cases. The number sentenced for domestic assault by strangulation decreased by six percent from 2015 (278) to 2016 (262) (Figure 4).

The felony crime of violation of a domestic abuse no contact order (VDANCO) was created in 2007.<sup>12</sup> The number sentenced grew rapidly until 2011, and declined in 2012 and 2013. From 2013 to 2014, the number increased by 17 percent, by 13 percent in 2015 and by 5 percent in 2016 when the number sentenced reached 559, the highest ever observed. The number of offenders sentenced for violations of harassment restraining orders (VHRO)<sup>13</sup> declined in 2016 and the number sentenced for violations of orders for protection (VOFP) increased by 15 percent. The total combined number of offenders sentenced for VDANCO, VHRO, and VOFP grew by five percent between 2015 and 2016 (Figure 4). For a more detailed discussion, see MSGC's *Assaults and Violations of Harassment Restraining Orders* report at <http://mn.gov/sentencing-guidelines/reports>.

<sup>11</sup> 2006 Minn. Laws ch. 260, Art. 1, §§ 12 & 19.

<sup>12</sup> 2007 Minn. Laws ch. 54, Art. 2, § 1 (enhancing DANCO violations by repeat offenders to felony level).

<sup>13</sup> This offense is not necessarily related to domestic assault, as the victim need not be a relative of the perpetrator.

- *Assault Offenses*

After remaining nearly unchanged from 2014 to 2015, the number of offenders sentenced for first-through (felony) fifth-degree assaults declined by seven percent in 2016, from 1,021 in 2015 to 946 in 2016. Second- and fifth-degree grew (up 1.5% for second-degree, and up 19.7% for felony fifth-degree), while the other assaults dropped: first-degree was down 4.4 percent; third-degree was down 17.5 percent; and fourth-degree was down 11 percent.

#### *Drug Offenses*

With an 11-percent increase over 2015, drug offenses showed the highest percent change of the offense categories (Figure 3). In 2016, for the first time, drug offenses were almost a third of felony offenses sentenced (32%), up from 25 percent in 2013 (Figure 5).

#### *Property Offenses*

Property offenses sentenced decreased by 3.5 percent. Other than in 2012 (when it increased by 9%) and 2014 (when it increased by 1.3%), the property offenses category has declined in every year since 2006 (Figure 3). The proportion of total crimes sentenced that were property offenses decreased from 30 percent in 2013 to 26 percent in 2016. This proportion is the lowest ever seen. Before 2003, property offenses made up over 40 percent of the cases sentenced (Figure 5).

#### *Felony DWI*

The number of felony DWI offenders sentenced peaked in 2004 at 860 and declined in most years since. In 2013, the number was 510, a decrease of 19 percent from the previous year (Figure 3). This was the largest decrease. In 2014, it increased to 656 offenders (up 29%). In 2015, it decreased to 587 (down 11%); and in 2016 decreased to 475 (down 19%). These sharp fluctuations may be due the timing of cases in response to challenges to procedures for collecting evidence without a warrant.

#### *Non-CSC Sex Offenses*

There was a four percent decrease in the number of offenders in the non-CSC sex offense category (Figure 3). Failure to register as a predatory offender went down (from 372 to 351) and child pornography remained flat (90 in 2015, 91 in 2016).

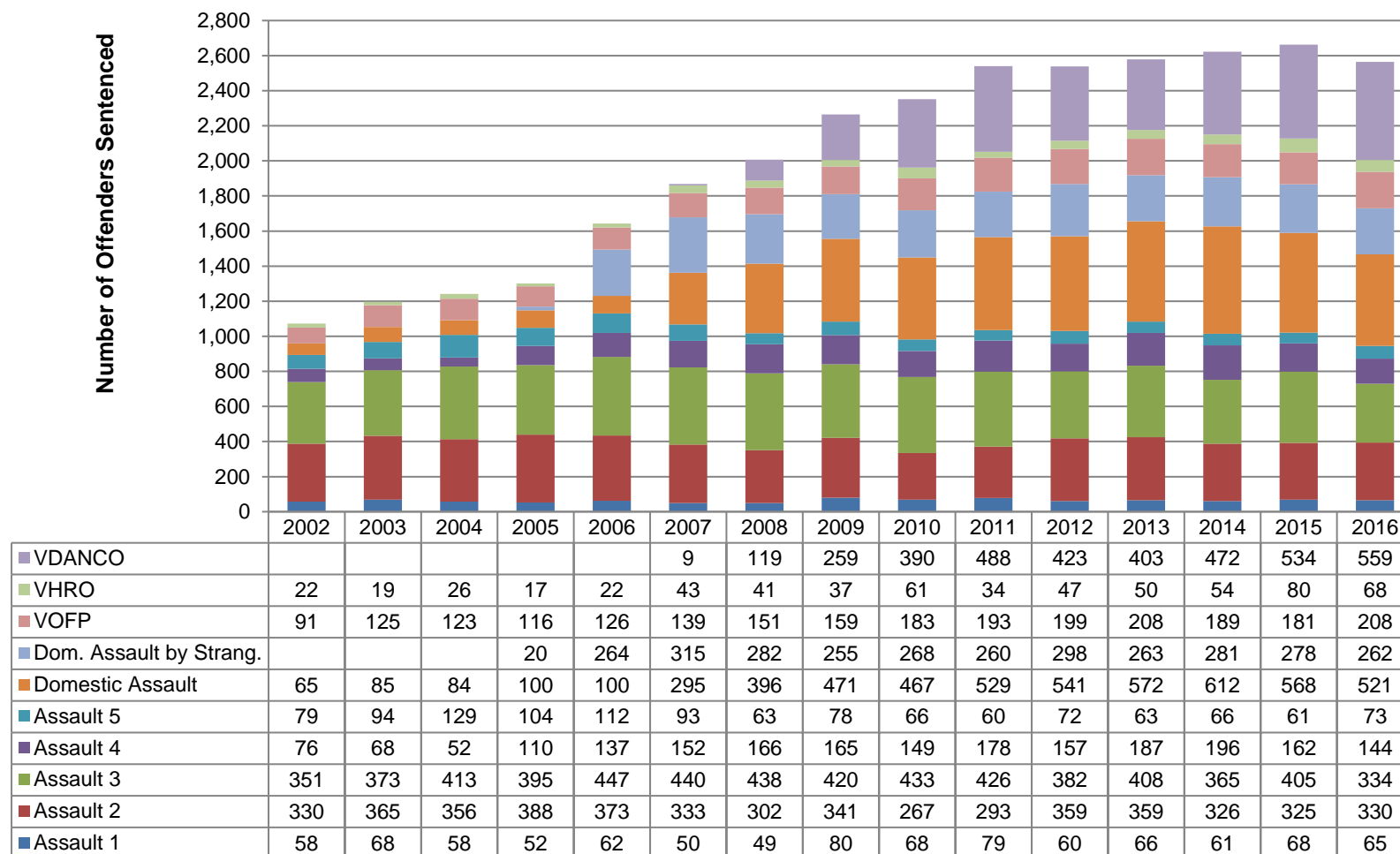
#### *Weapon Offenses*

In 2015, weapon offenses were removed from the “other” category and placed in a newly created “weapon” category in order to further limit the number of offenses described as “other.” The number of weapon offenses sentenced increased one percent from 2015 to 2016 (Figure 3). Ineligible felon in possession of firearm/ammunition increased by seven percent (from 364 to 390).

#### *Other Offenses*

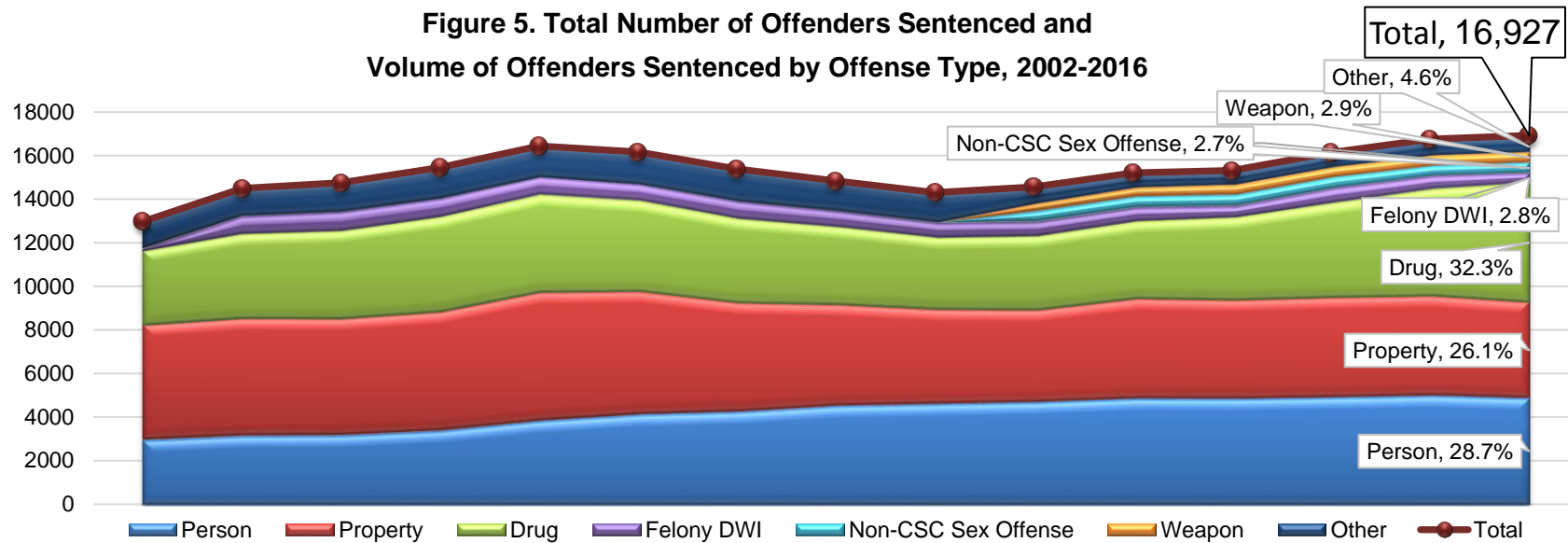
The number sentenced for those offenses “other” category—largely crimes against the government—increased by 2 percent. Fleeing a peace officer, the most frequently occurring offense in this category, increased from 480 in 2015 to 520 in 2016 (by 8%). Tax offenses decreased from 30 in 2015 to 19 in 2016, and failure to appear in court decreased from 34 to 19 cases. Escape from custody increased by 28 percent (from 64 to 82 cases).

Figure 4. Frequency of Assault and Restraining Order Offenses, 2002-2016





**Figure 5. Total Number of Offenders Sentenced and Volume of Offenders Sentenced by Offense Type, 2002-2016**



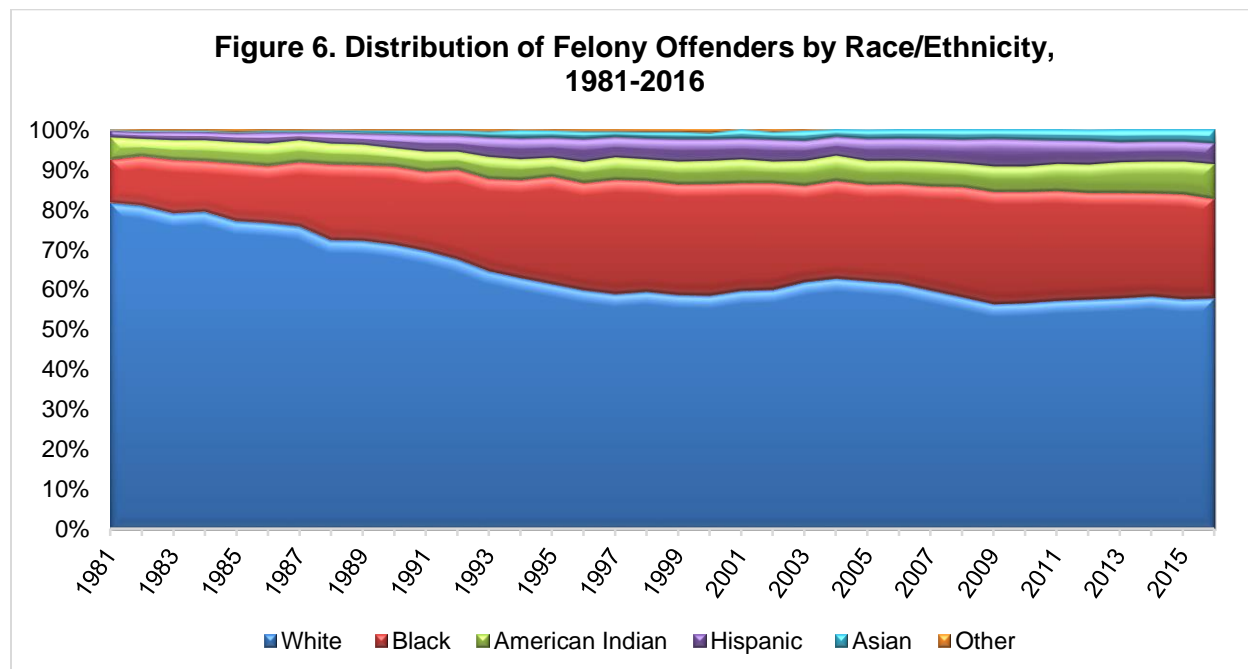
Offense Type		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Person	#	2,957	3,141	3,174	3,376	3,839	4,117	4,238	4,517	4,605	4,685	4,841	4,836	4,905	4,982	4,857
	%	22.8	21.7	21.5	21.8	23.3	25.5	27.5	30.4	32.2	32.2	31.8	31.6	30.4	29.7	28.7
Property	#	5,271	5,395	5,350	5,455	5,886	5,650	5,003	4,651	4,334	4,232	4,604	4,528	4,589	4,575	4,411
	%	40.6	37.2	36.3	35.3	35.8	34.9	32.5	31.3	30.3	29.0	30.3	29.6	28.4	27.3	26.1
Drug	#	3,423	3,896	4,038	4,364	4,484	4,166	3,878	3,578	3,326	3,409	3,552	3,821	4,363	4,913	5,475
	%	26.4	26.9	27.4	28.2	27.3	25.8	25.2	24.1	23.2	23.4	23.4	24.9	27.0	29.3	32.3
Felony DWI	#	102	810	860	834	788	735	779	704	667	660	631	510	656	587	475
	%	0.8	5.6	5.8	5.4	4.8	4.5	5.1	4.7	4.7	4.5	4.1	3.3	4.1	3.5	2.8
Non-CSC Sex Offense	#										476	495	518	507	471	451
	%										3.3	3.3	3.4	3.1	2.8	2.7
Weapon Offense	#										346	411	466	467	477	483
	%										2.4	2.7	3.0	2.9	2.8	2.9
Other	#	1,224	1,250	1,329	1,431	1,446	1,499	1,496	1,390	1,379	765	677	642	659	758	775
	%	9.4	8.6	9.0	9.3	8.8	9.3	9.7	9.4	9.6	5.3	4.5	4.2	4.1	4.5	4.6
<b>Total</b>	<b>#</b>	<b>12,977</b>	<b>14,492</b>	<b>14,751</b>	<b>15,460</b>	<b>16,443</b>	<b>16,167</b>	<b>15,394</b>	<b>14,840</b>	<b>14,311</b>	<b>14,571</b>	<b>15,207</b>	<b>15,318</b>	<b>16,145</b>	<b>16,763</b>	<b>16,927</b>

### **Distribution of Offenders by Gender, Race/Ethnicity and Judicial District**

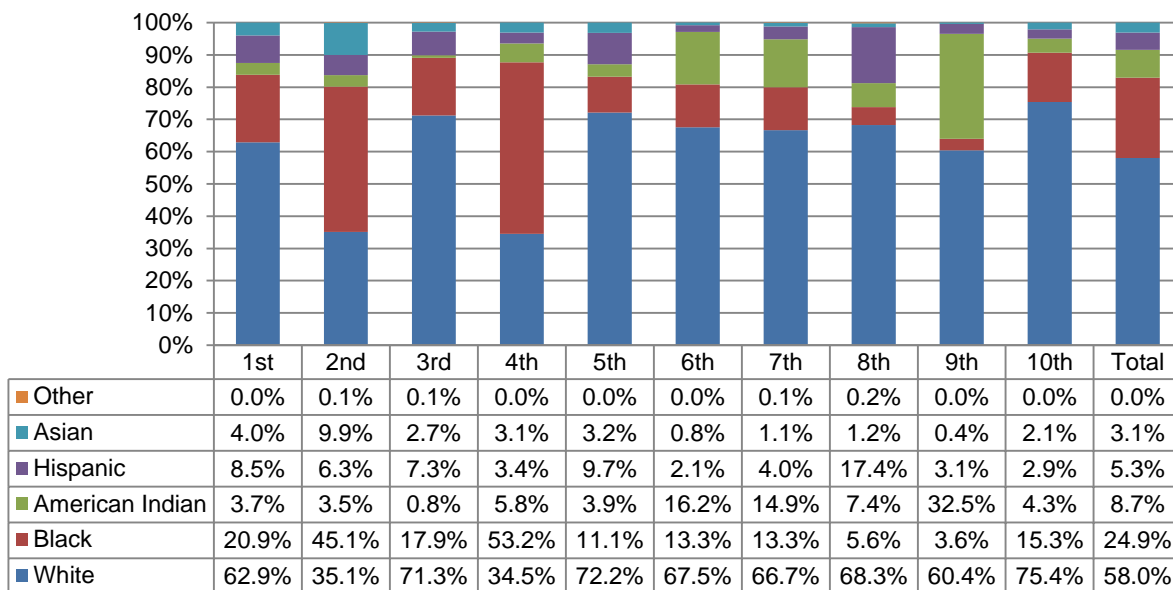
Males have always accounted for more than 80 percent of the felony offenders in Minnesota (Table 5). In 2016, 80.9 percent of the offenders sentenced were male and 19.1 percent were female. Figure 6 shows the racial and ethnic composition of the felony offender population from 1981 through 2016. The percentage of offenders who were white decreased by 25 percentage points between 1981 (81.8%) and 2009 (56.5%). This was largely due to an increase in the percentage of black offenders, although the percentage of other non-white offenders (particularly Hispanic offenders) also increased. More recently, the percentage of white offenders increased slightly, from 57.7 percent in 2015 to 58.0 percent in 2016.

The percent of offenders who are black decreased from 26.3 percent in 2015 to 24.9 percent in 2016. The percent who are white increased slightly from 57.7 percent to 58 percent. The percent who are American Indians increased, while the percent who are Hispanic remained similar to that seen in 2015. In 2016, the percent of offenders who are Asian reached three percent for the first time.

Figure 7 displays the 2016 distribution of the racial and ethnic composition of offender populations by Minnesota judicial district. The largest populations of black offenders were in the Second Judicial District (Ramsey County) and the Fourth Judicial District (Hennepin County). These districts include the cities of St. Paul and Minneapolis, respectively. More information on case volume and distribution can be found in tables 5, 6, 7, 8, 9, 10, and 11a & 11b. County-level information can be found in tables 23, 24, and 25. A map of the judicial districts can be found on page 74.



**Figure 7. Distribution of Felony Offenders by Race and Judicial District, 2016**



## *Incarceration Rates*

Under Minn. Stat. § 609.02, a felony sentence must be at least 366 days long. 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 Guidelines 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 are no specific guidelines to the court regarding the imposition of these intermediate sanctions.<sup>14</sup> 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. Sanctions for violations of probation conditions, which may ultimately include probation revocation and state imprisonment, are likewise not included in the monitoring data. 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 correctional facility, such as a jail or workhouse, following conviction. Figure 8 shows the total incarceration rate, as well as the separate rates for prison and local confinement, from 1982 to 2015. The total incarceration rate in 1978 (pre-Guidelines) was 55.8 percent (20.4% incarcerated in state prison and 35.4% in conditional confinement). In 1981, the total incarceration rate was 61.2 percent (15% incarcerated in state prison and 46.2% in conditional confinement). The total incarceration rate has grown steadily over the last 33 years, from 61 percent in 1981, to 85 percent or more since 1991. Except for 2010, the total incarceration rate has remained above 90 percent since 2003. In 2016, 92 percent of offenders received a sentence that included incarceration in a state prison or a local correctional facility.

The 2012-15 imprisonment rates were the highest rates observed since the Guidelines were implemented. In 2015, the imprisonment rate was 26.2 percent. In 2016, the imprisonment rate slipped to 25.4 percent. The total conditional confinement rate was 66.6 percent. Of the 12,619 who did not receive an executed prison sentence,<sup>15</sup> 89.3 percent<sup>16</sup> received either confinement time as a condition of probation or a non-felony local confinement sentence.

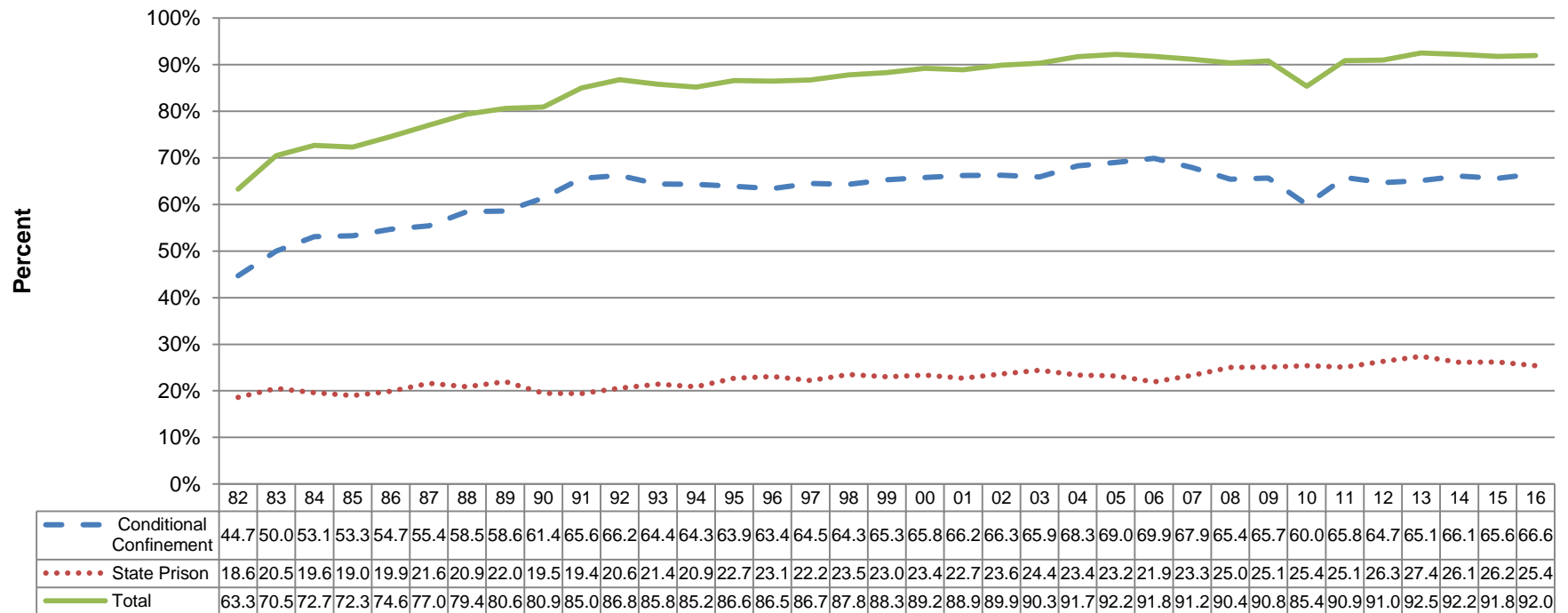
More offenders are recommended imprisonment under the Guidelines than actually receive a prison sentence. In 2016, 33.1 percent of offenders were recommended a prison sentence compared to the actual imprisonment rate of 25.4 percent. See tables 12, 13, and 14 for presumptive imprisonment rates over time by race, gender, and judicial district.

<sup>14</sup> For general guidance, see Minnesota Sentencing Guidelines § 3.A.2.

<sup>15</sup> See Table 1. Total cases (16,763) – total receiving prison (4,392) = 12,371

<sup>16</sup> See Table 1. Total receiving conditional confinement (10,996) / # offenders not receiving prison (12,371) = .889.

Figure 8. Total Incarceration Rates: 1982-2016



## **Incarceration by Race/Ethnicity and Judicial District**

Below, Table 1 provides total incarceration information for offenders sentenced in 2016. “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. Tables 12, 13, and 14 display presumptive imprisonment rates.

### *Race/Ethnicity*

The total incarceration rate varies somewhat across racial groups (ranging from 91.1% for white offenders to 93.6% for black offenders). Greater variation by race exists in the separate rates for prison and local confinement. Among five racial groups, white offenders had the lowest actual (22.3%), and second-lowest presumptive (28.8%), imprisonment rates, whereas Hispanic offenders had the highest actual (31.6%), and second-highest presumptive (39.2%), imprisonment rates (Table 13).

### *Judicial District*

Variation was also observed in incarceration rates by judicial district. The Second Judicial District (Ramsey County) had the highest total incarceration rate (99.2%) and the Ninth Judicial District (northwest Minnesota) had the lowest total incarceration rate (85.2%). This variation continues with respect to the separate rates for prison and local confinement. The Eighth Judicial District (west-central counties) had the highest imprisonment rate (30%), and the First Judicial District (southern metro counties) had the lowest imprisonment rate (20%). With regard to use of local confinement, the Tenth Judicial District had the highest rate (72.8%), and the Ninth Judicial District had the lowest rate (59.5%). See p. 74 for a map of Minnesota’s ten judicial districts.

Historical information for incarceration rates can be found in tables 12, 13, 14, 15, 16, and 17. Additionally, Table 23 illustrates incarceration rates by county.

Table 1. Total Incarceration Rates by Gender, Race/Ethnicity, and Judicial District, 2016

		Total	Total Incarceration		Prison		Conditional Confinement	
		Cases	Number	Percent	Number	Percent	Number	Percent
Gender	Male	13,702	12,702	92.7	3,894	28.4	8,808	64.3
	Female	3,225	2,873	89.1	414	12.8	2,459	76.2
Race/ Ethnicity	White	9,813	8,941	91.1	2,193	22.3	6,748	68.8
	Black	4,209	3,940	93.6	1,315	31.2	2,625	62.4
	American Indian	1,472	1,363	92.6	394	26.8	969	65.8
	Hispanic	903	836	92.6	285	31.6	551	61.0
	Asian	525	490	93.3	121	23.0	369	70.3
	Other/Unknown	5	5	100.0	0	0.0	5	100.0
Judicial District	First	2,192	2,015	91.9	442	20.2	1,573	71.8
	Second	1,784	1,769	99.2	512	28.7	1,257	70.5
	Third	1,344	1,161	86.4	331	24.6	830	61.8
	Fourth	3,341	2,982	89.3	970	29.0	2,012	60.2
	Fifth	1,075	983	91.4	234	21.8	749	69.7
	Sixth	862	767	89.0	187	21.7	580	67.3
	Seventh	1,689	1,635	96.8	494	29.2	1,141	67.6
	Eighth	432	415	96.1	129	29.9	286	66.2
	Ninth	1,688	1,438	85.2	434	25.7	1,004	59.5
	Tenth	2,520	2,410	95.6	575	22.8	1,835	72.8
Total		16,927	15,575	92.0	4,308	25.5	11,267	66.6

## Average Pronounced Sentences (Durations)

### State Prison

The average pronounced prison sentence in 2016 was 46.3 months, an increase over 2015 (Table 2). The average varied by applicable Grid: 42.2 months for offenders with presumptive sentences on the Standard Grid and 81.6 months for offenders with presumptive sentences on the Sex Offender Grid.<sup>17</sup>

The average has fluctuated over time. Sentence lengths have increased since 1989. From 1981 to 1989, the average was 37.5 months, increasing to 46.7 months from 1990 to 2015. Numerous changes in sentencing practices and policies, as well as changes in the distribution of cases affected the average. Increases after 1989 were 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 adopted, giving higher presumptive sentences to repeat offenders and offenders with prior criminal history records.

### Life Sentences

Eleven offenders received life sentences, nine for first-degree murder and two for criminal sexual conduct offenses. Seven of those life sentences were with no release possible. Offenders with life sentences are excluded from the average pronounced prison sentences reported here.

**Table 2. Average Pronounced Prison Sentence**

Executed Prison Sentences  
(in months)

2016	46.3
2015	45.0
2014	45.5
2013	45.2
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
1981	38.3

<sup>17</sup> In 2016, 45 offenders (0.3%) had an offense committed before August 1, 2005; therefore, the "Pre-2005" Grid was used to determine the presumptive sentence. The average pronounced sentence was 99.6 months.



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

The average amount of local confinement pronounced was 106 days in 2016, compared to 105 days in 2015. The average has remained largely constant since 1988 (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.

**Table 3. Average Local Confinement**

Local Confinement (in days)

2016	106
2015	105
2014	107
2013	106
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 commonly 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.

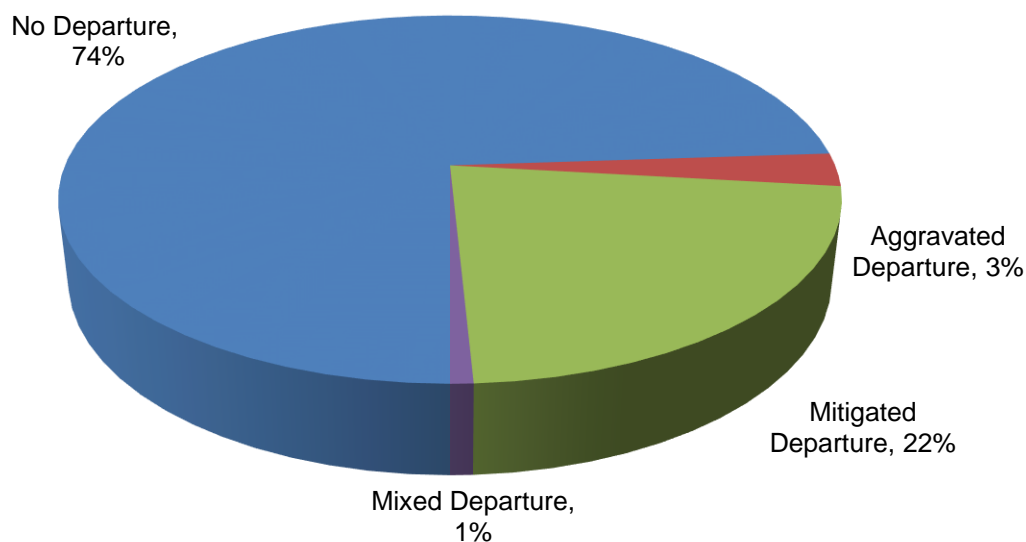
When there is departure from the presumptive sentence, the court is required to submit reasons for the departure to the Commission.<sup>18</sup> Along with reasons for departure, the court may supply information about the position of the prosecutor regarding the departure. In 2015, the Commission received departure reasons or information about the position of the prosecutor 95 percent of the time. In 2016, 97 percent of felony convictions were obtained without a trial. The Commission recognizes the importance of plea agreements:

*Plea agreements are important to our criminal justice system because it is not possible to support a system where all cases go to trial. However, it is important to have balance in the criminal justice system where plea agreements are recognized as legitimate and necessary and the goals of the Guidelines are supported. If a plea agreement involves a sentence departure and no other reasons are provided, there is little information available to make informed policy decisions or to ensure consistency, proportionality, and rationality in sentencing. Departures and their reasons highlight both the success and problems of the existing Guidelines. When a plea agreement involves a departure from the presumptive sentence, the court should cite the reasons that underlie the plea agreement or explain its reasons for accepting the negotiation. (Minn. Sentencing Guidelines comment 2.D.104.)*

In 2016, 74 percent of all felony offenders sentenced received the presumptive Guidelines sentence. The remaining 26 percent received some type of departure (Figure 9).

Additional departure information can be found in tables 18, 19, 20, 21, and 22. Departure information by county can be found in tables 24 and 25.

<sup>18</sup> Minn. R. Crim. P. 27.03, subd. 4(C).

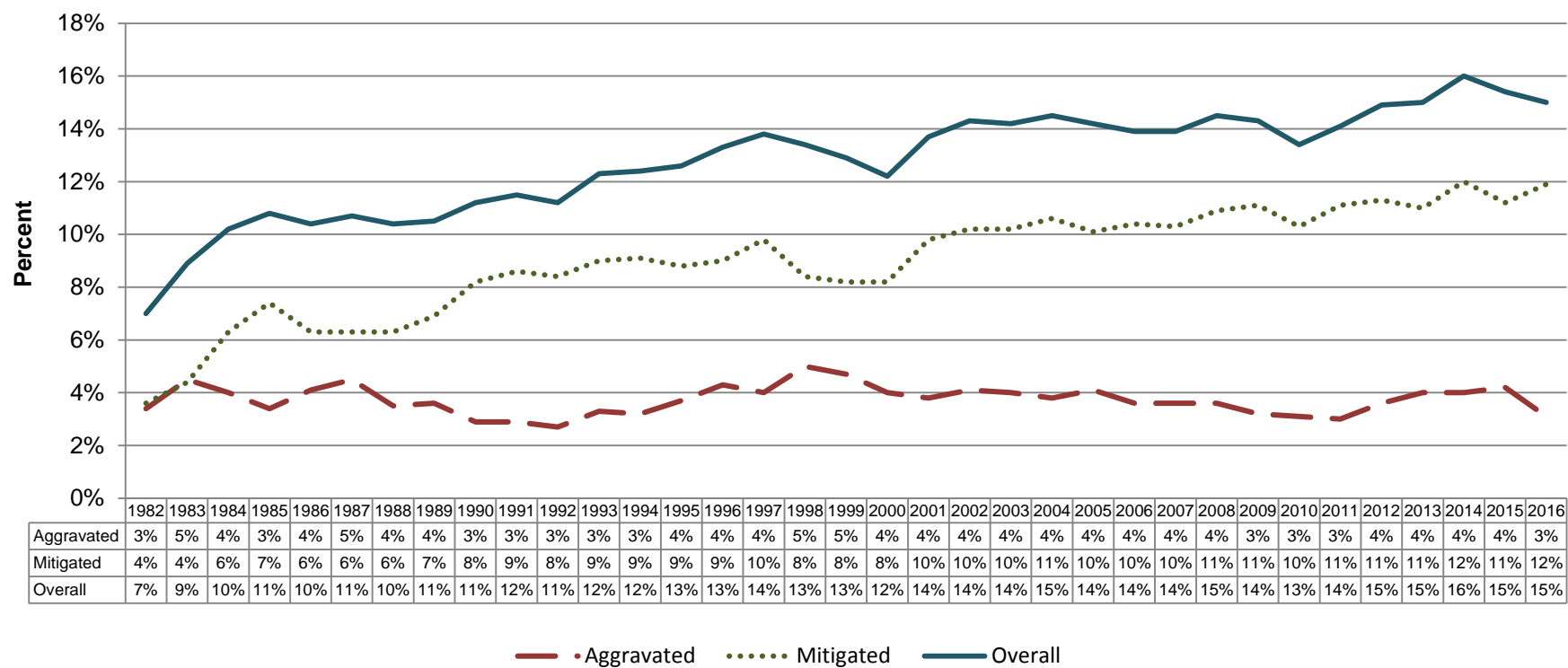
**Figure 9. Total Departure Rates, 2016**

### *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 an executed prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence but the court pronounces a stayed sentence.

A total of 2,540 offenders (15%) received a dispositional departure from the Guidelines. In 532 cases (3.1%), the offenders received prison when the Guidelines recommended probation (“aggravated”). In 2,008 cases (11.9%), the offenders received probation when the Guidelines recommended prison (“mitigated”). The majority of the increase in the total departure rate since 1981 has resulted from increases in the mitigated dispositional departure rate (Figure 10).

Figure 10. Dispositional Departure Rates, 1982-2016

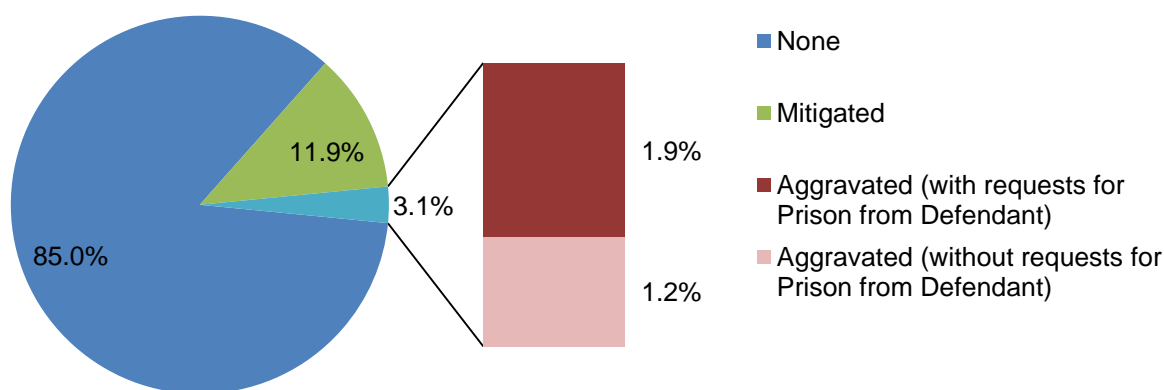


## Types of Dispositional Departures

**Aggravated dispositional departures:** 3.1 percent of all cases sentenced in 2016 were aggravated dispositional departures (Figure 10); the aggravated dispositional departure rate for offenders who were recommended a stayed sentence was 4.7 percent (Table 19).

Most aggravated dispositional departures (76% in 2016) 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 historically included these cases in the departure figures because, for the given offense, the sentence is not the presumptive Guidelines sentence. If requests for prison are not included in the analysis, the aggravated dispositional departure rate—as a measure of judicial compliance—is one percent (Figure 11-inset). The inclusion of these cases inflates the aggravated dispositional departure rate to three percent and the total dispositional departure rate to 15 percent (Figure 10).

**Figure 11. Dispositional Departure Rates  
with and without Requests for Prison from Defendant, 2016**



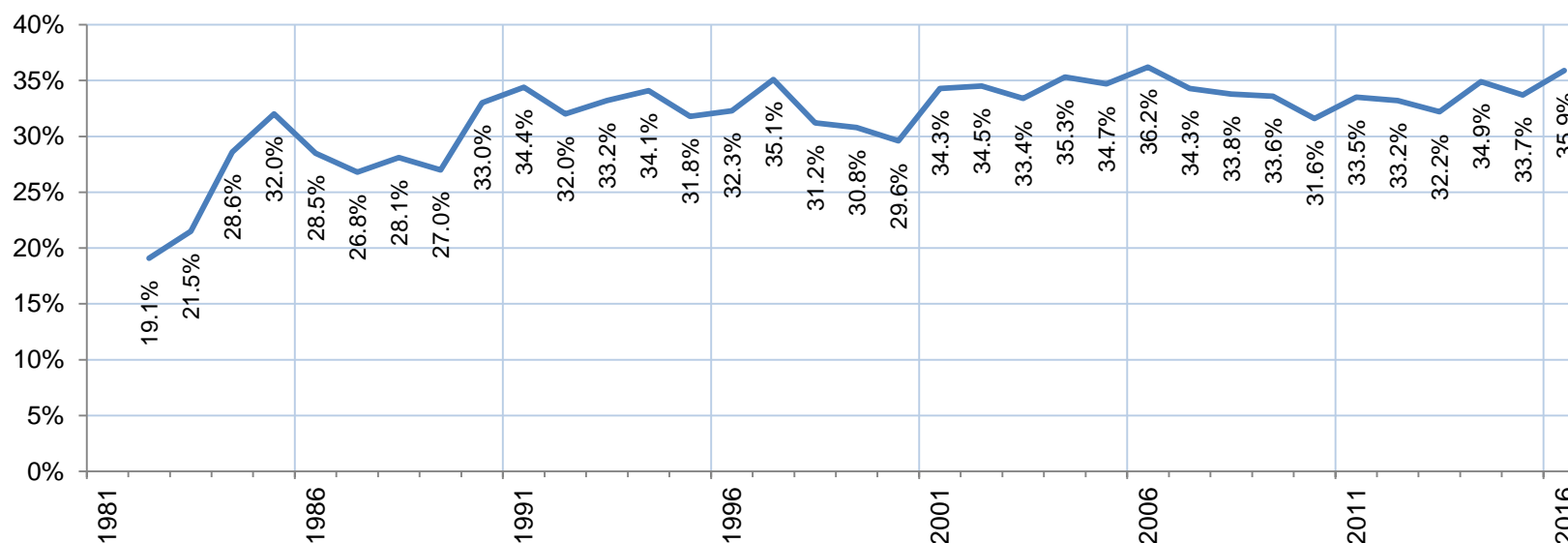
Effective with the August 1, 2015, amendments to Minnesota Sentencing Guidelines § 2.D.1, a sentence that is executed pursuant to an offender's right to demand execution is no longer considered an aggravated dispositional departure. This change has resulted in a decrease in the aggravated dispositional departure rate from previous years. In 2015, the overall aggravated dispositional departure rate was 4.2 percent and the rate for presumptive stayed sentences was 6.2 percent. For cases sentenced in 2016, 61% of the presumptive stayed cases had an offense date post the effective date for this change. The aggravated dispositional departure rate for presumptive stays with an offense date after August 1, 2015, was 2.6% compared to 8% for cases with offense dates prior to August 1, 2015. There were 196 post-August 1, 2015, presumptive stay cases where the offender received a prison sentence that was not counted as a dispositional departure because the sentence was executed pursuant to their right to demand execution. Because aggravated dispositional departures represent such a small percentage of cases, the remainder of this analysis of departures will focus on mitigated dispositional departures.

**Mitigated dispositional departures:** 12 percent of all offenders sentenced in 2016 had mitigated dispositional departures (Figure 10). This next section focuses on departures for presumptive commitment cases (those offenders who were recommended prison). As a result of having fewer cases, the departure rates are significantly higher than the total rate.

### Mitigated Dispositional Departure Rate for Presumptive Commitments

In 2016, the mitigated dispositional departure rate for offenders recommended prison under the Guidelines was 35.9 percent (2,008 of the 5,596 offenders recommended prison), which is higher than the rate observed in 2016 (Figure 12). The highest rate was 36.2 percent in 2006.

**Figure 12. Mitigated Dispositional Departure Rates, 1982-2016  
(Presumptive Commitments Only)**



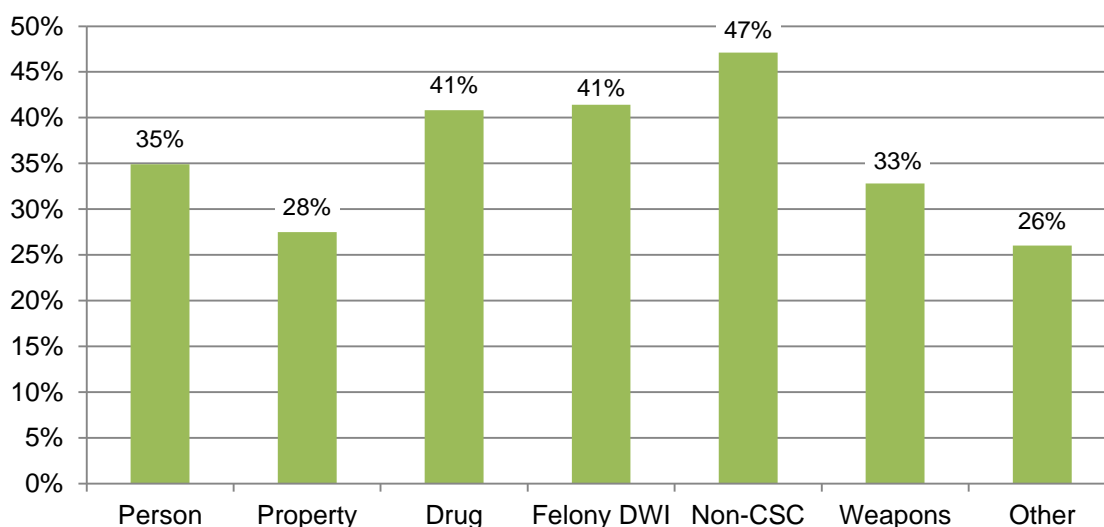
### **Mitigated Dispositional Departure Rates by Gender, Race/Ethnicity, and Judicial District**

Table 19 illustrates dispositional departure rates by gender, race/ethnicity, and judicial district for presumptive commitment offenses. The mitigated dispositional departure rate is higher for women (54.6%) than men (33.8%). When examined by racial and ethnic composition, the mitigated dispositional departure rate ranged from a low of 29.1 percent for Hispanic offenders to a high of 39 percent for Asian offenders. There was also variation in the rate by judicial district, ranging from a low of 23.1 percent in the Eighth Judicial District (includes the City of Willmar) to a high of 45.9 percent in the Sixth Judicial District (includes the City of Duluth). See p. 74 for a map of Minnesota's ten judicial districts.

### **Mitigated Dispositional Departure Rate by Offense Type**

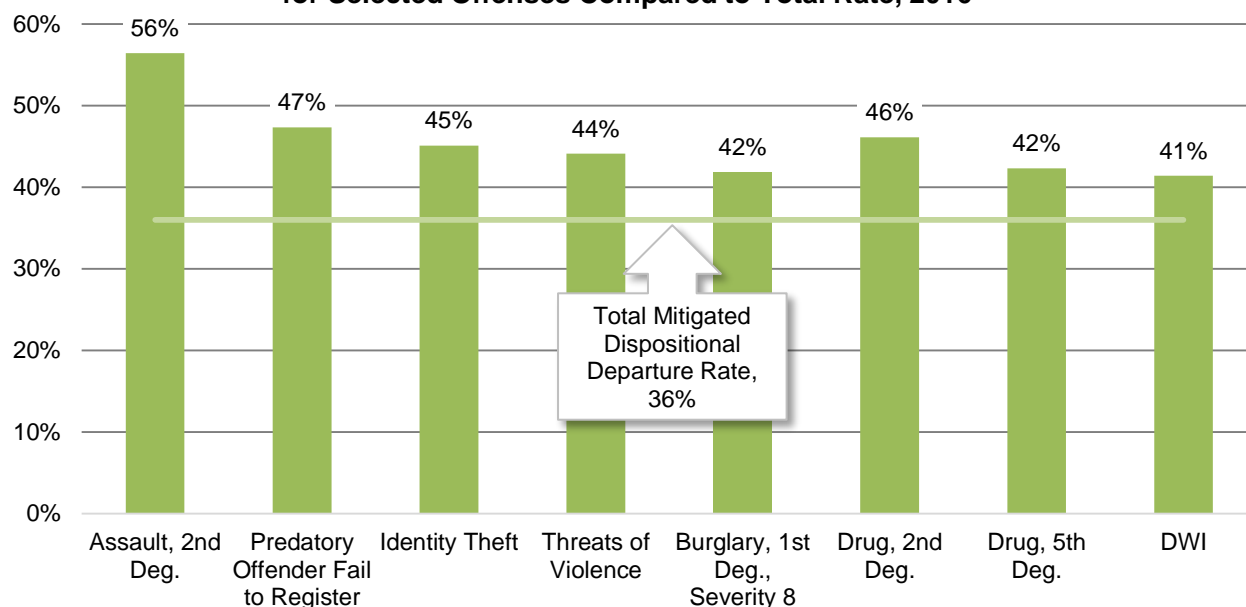
Figure 13 displays the mitigated dispositional departure rate by offense type. The rate is lowest for "other" offenses. The mitigated dispositional departure rate exceeded the 2015 rates for person offenses (32% in 2015), property offenses (26% in 2015), drug offenses (38% in 2014), non-CSC sex offenses (44% in 2015), and weapon offenses (31% in 2015). The rate decreased only for "other" offenses (34% in 2015). The rate for felony DWI remained the same (41% in both years).

**Figure 13. Mitigated Dispositional Departure Rates  
by Offense Type, 2016  
(Presumptive Commitments Only)**



Even within offense types, departure rates vary by offense. Figure 14 displays the highest rates of mitigated dispositional departure compared to the total rate of 36 percent. The selected offenses were those with 50 or more presumptive commitment cases and a mitigated dispositional departure rate of 41 percent or more.

**Figure 14. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2016\***



\* The offenses were selected based on criteria that there were 50 or more “presumptive commitment” cases and the mitigated dispositional departure rate was 41 percent or more.

Two of the offenses highlighted in Figure 14, assault in the second degree and failure to register as a predatory offender, have mandatory minimum sentences specified in statute, with provisions allowing for departure from those mandatory minimums.

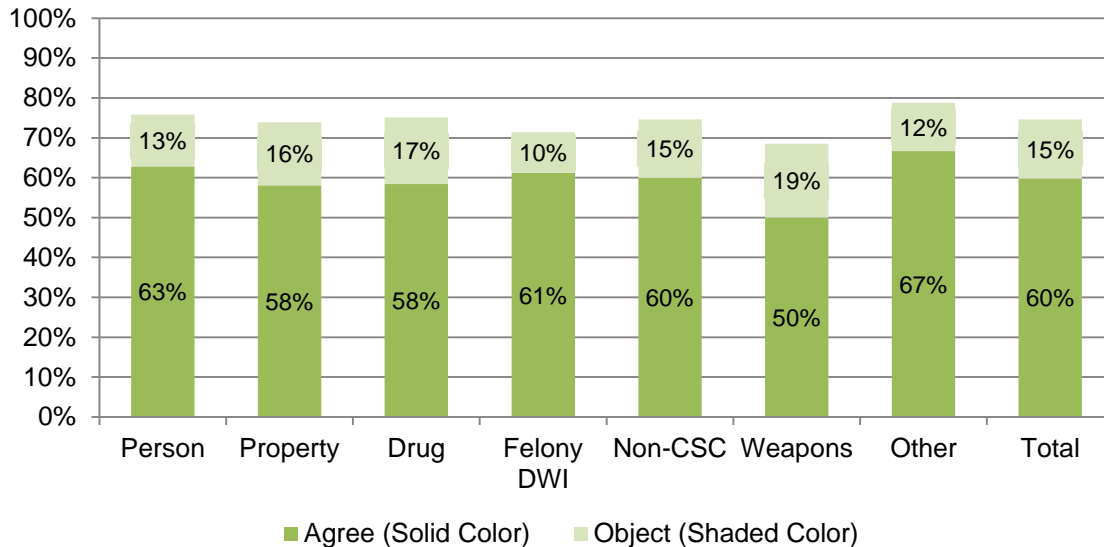
Assault in the second degree, by definition, involves the use of a dangerous weapon and therefore carries a mandatory minimum prison sentence (Minn. Stat. § [609.11](#), subds. 4, 5, and 9). The second-degree assault statute proscribes a broad range of misbehavior: Injury to the victim may or may not occur, and 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 substantial and compelling reasons are present (Minn. Stat. § [609.11](#), subd. 8). It is perhaps unsurprising to find many departures in the sentencing of a crime that can be committed in many different ways.

Failure to register as a predatory sex offender also has a statutory mandatory minimum sentence, accompanied by a statutory provision that allows for sentencing without regard to the mandatory minimum (Minn. Stat. § [243.166](#), subd. 5(d)).

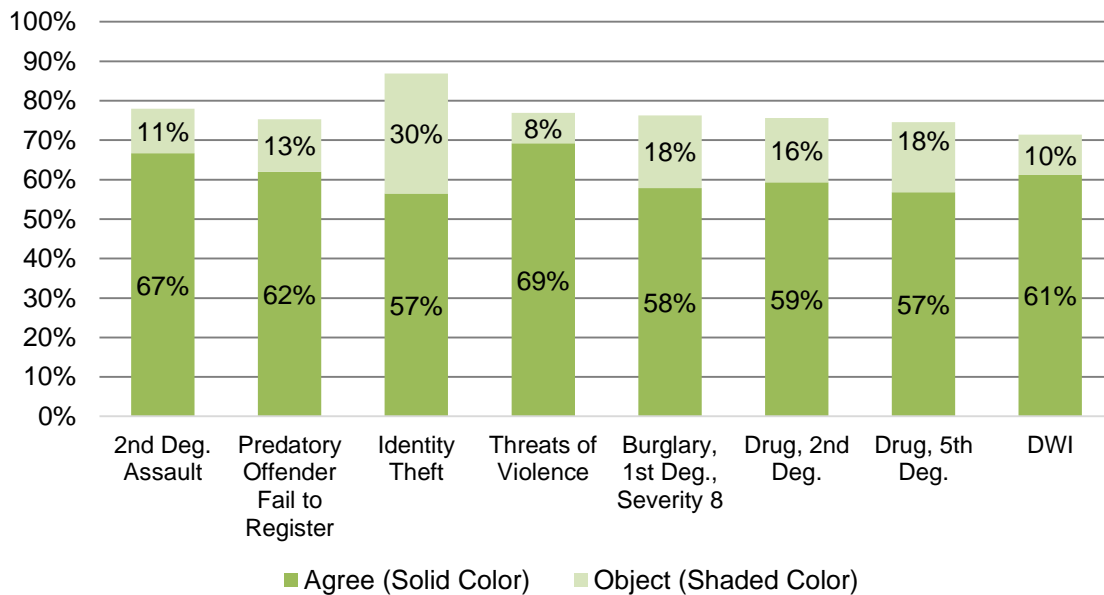
In 60 percent of the mitigated dispositional departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 15 percent of these cases, the court stated that the prosecutor objected to the departure (Figure 15). The court did not supply information on the prosecutor’s position in 25 percent of these departures. Prosecutor agreement can vary by offense type and offense (Figure 16). In all offense categories, amenability to probation and amenability to treatment were the most frequently cited substantial and compelling reasons for departure recorded.



**Figure 15. Mitigated Dispositional Departure Rates, Court-Cited  
Position of Prosecutor by Offense Type, 2016**



**Figure 16. Mitigated Dispositional Departure Rates, Court-Cited  
Position of Prosecutor for Selected Offenses, 2016\***



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.

\* The offenses were selected based on criteria that there were 50 or more "presumptive commitment" cases and the mitigated dispositional departure rate was 41 percent or more.

## 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 total durational departure figures are given in tables 20 and 21. 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 percent, 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 around 25 percent. Likewise, after reaching a high of 12 percent in 2000, the aggravated durational departure rate has been slowly declining, but appears to have leveled off around three percent.

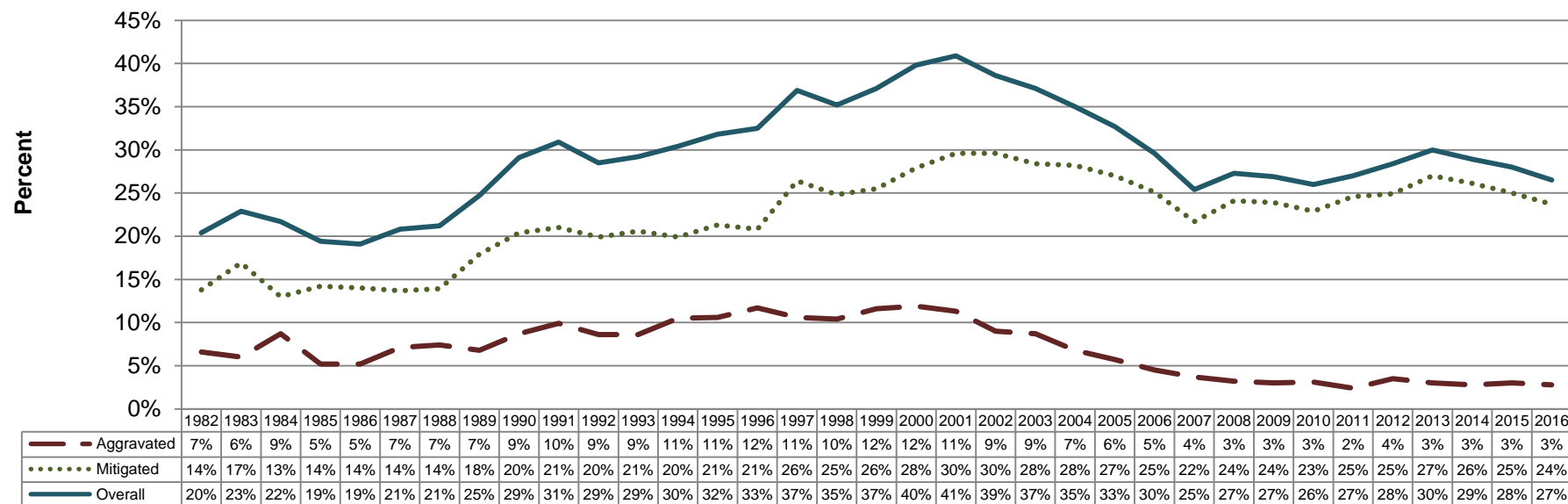
In 2016, the mitigated durational departure rate was lower than observed in 2015, at approximately 24 percent (23.7% compared to 24.8%). The aggravated durational departure rate decreased from 3.3 percent in 2015 to 2.8 percent. The trend in lower aggravated durational departure rates since the mid-2000s 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*, 542 U.S. 296 (2004), which required a jury to find all facts—other than the fact of a prior conviction or those facts agreed to by the defendant—used to enhance a sentence under mandatory sentencing guidelines.<sup>19</sup>

In response to the *Blakely* decision, the 2005 Legislature widened the ranges on the Standard Grid to 15 percent below and 20 percent above the presumptive fixed sentence, within which the court may sentence without departure. 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>20</sup>

<sup>19</sup> The Minnesota Supreme Court determined that *Blakely*'s jury requirements applied to aggravated departures under the Minnesota Sentencing Guidelines. *State v. Shattuck*, 704 N.W.2d 131 (Minn. 2005).

<sup>20</sup> For a deeper 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, 1982-2016  
(Executed Prison Sentences Only)**



### **Durational Departure Rates by Gender, Race and Judicial District**

Table 22 illustrates durational departure rates for executed prison sentences by gender, race/ethnicity, and Minnesota Judicial District. The mitigated durational departure rate for males sentenced in 2016 was higher than for females (24% vs. 19%). When the departure rate is examined by racial and ethnic composition, the rate varies from a low of 15 percent for American Indian offenders to a high of 33.5 percent for Black offenders. There is also considerable variation in mitigated durational departure rates by Minnesota Judicial District, ranging from a low of 6.2 percent in the Eighth Judicial District to a high of 47.5 percent in the Fourth Judicial District. See p. 74 for a map of Minnesota's ten judicial districts.

### 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 weapon and non-criminal sexual conduct (non-CSC sex offense) categories have higher mitigated durational departure rates and lower aggravated durational departure rates than other offense types. The offense in the non-CSC sex offense category with the highest mitigated durational departures is failure to register as a predatory offender. Person offenses had the highest aggravated durational departure rate at 4.4 percent.

**Figure 18. Durational Departure Rates by Offense Type, 2016  
(Executed Prison Sentences Only)**

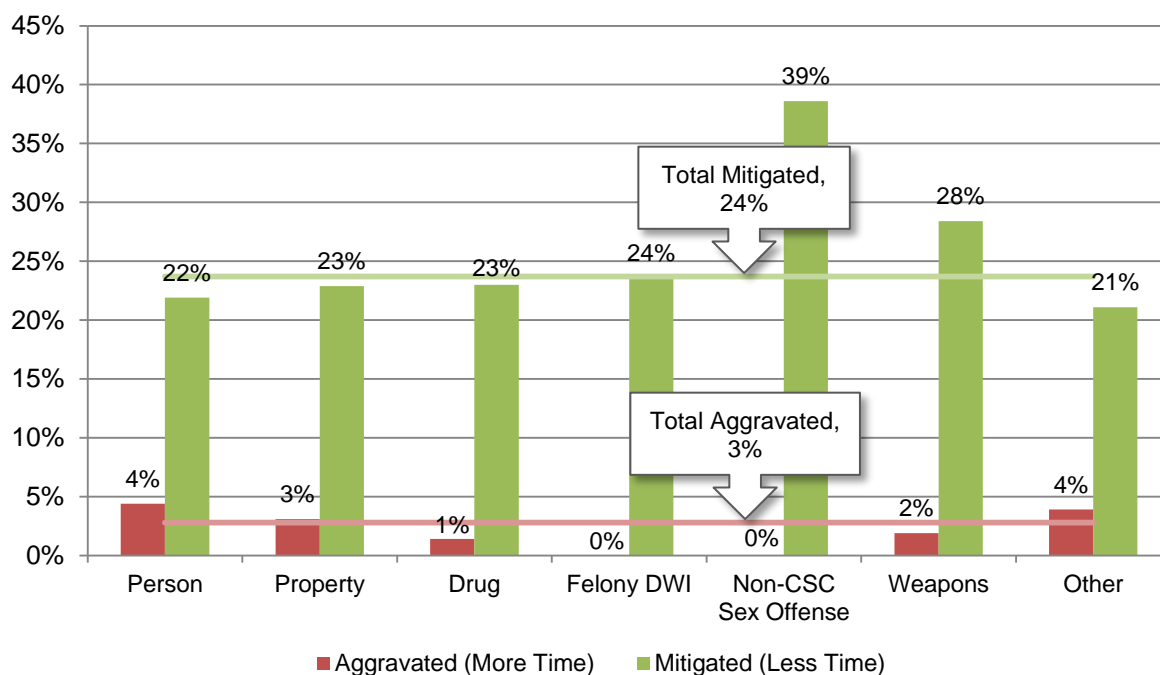
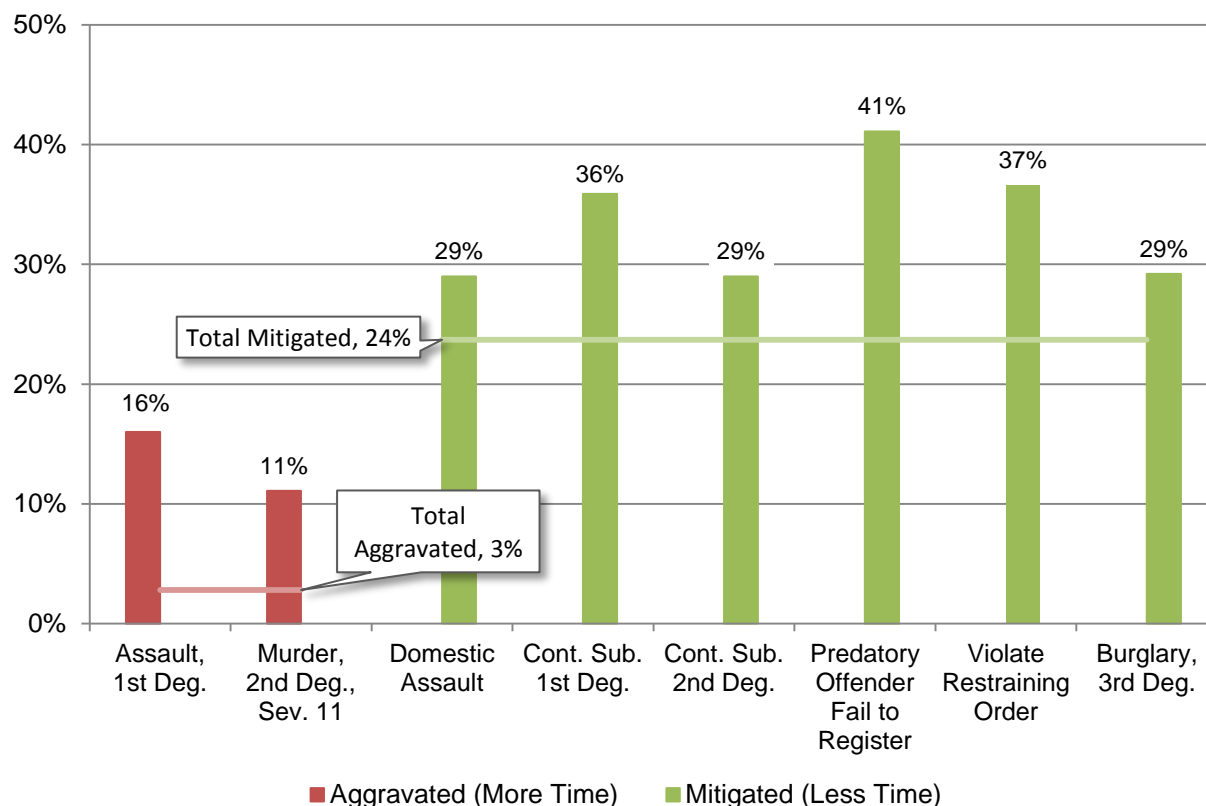


Figure 19 displays offenses with the highest durational departure rates among offenses with at least 40 executed prison cases. Included in this graph are offenses with mitigated durational departure rates above 29 percent, or aggravated durational departure rates of 10 percent or more.

Aggravated durational departure rates were highest for intentional second degree murder and assault in the first degree. Mitigated durational departure rates were highest for domestic assault, controlled substance crime in the first and second degrees, failure to register as a predatory offender, violations of restraining orders and burglary in the third degree.

**Figure 19. Durational Departure Rates for Selected Offenses\*  
Compared to the Total Rate, 2016  
(Executed Prison Sentences Only)**



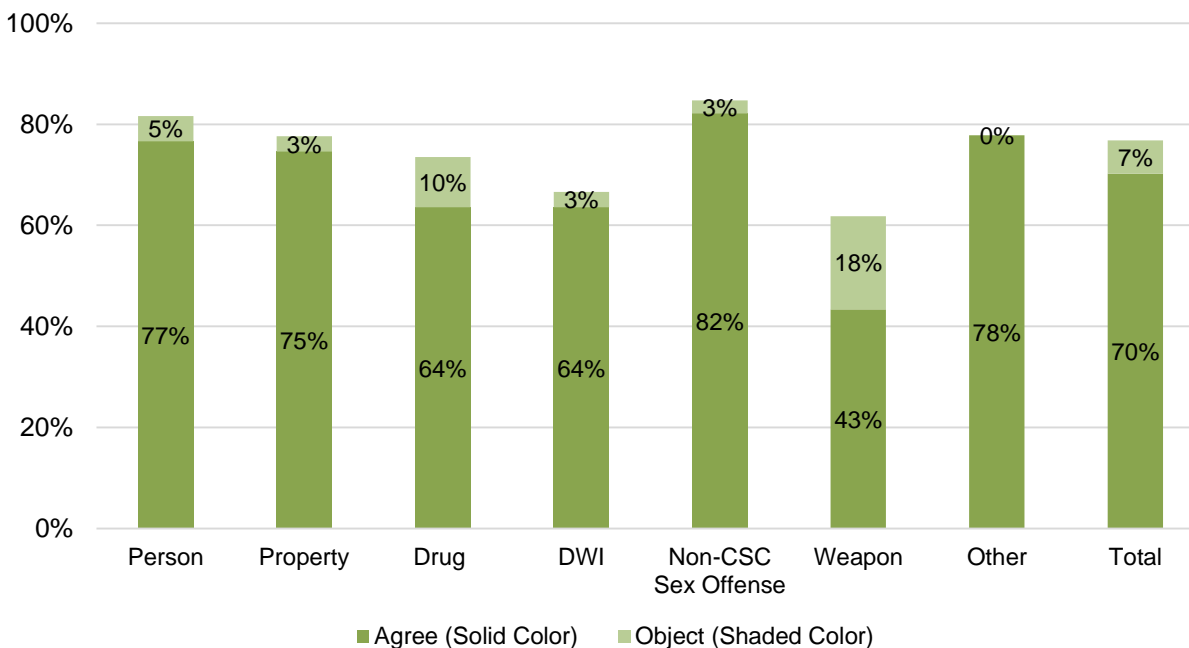
\* Selected based on criteria that there were 40 or more executed prison cases and the aggravated durational departure rate was 10 percent or more or the mitigated durational departure rate was 29 percent or more.

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

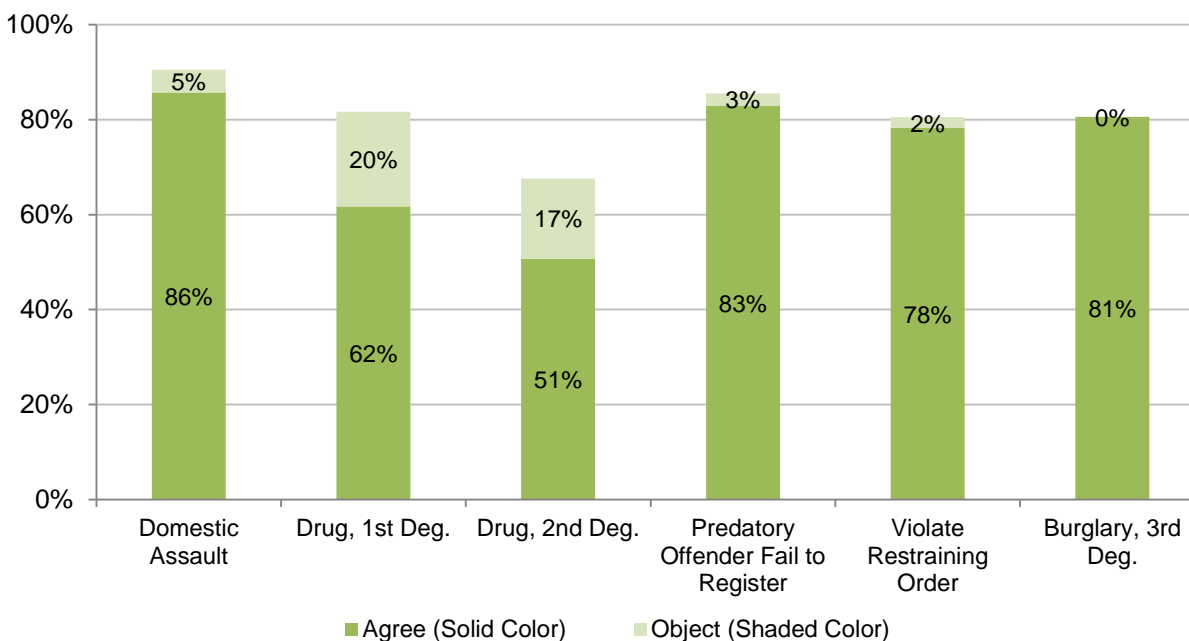
In 70 percent of the mitigated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure (Figure 20). In seven percent of these cases, the court stated that the prosecutor objected to the departure. In 23 percent of the mitigated durational departures, the court did not provide information on the position of the prosecutor. 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 39 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, 2016**

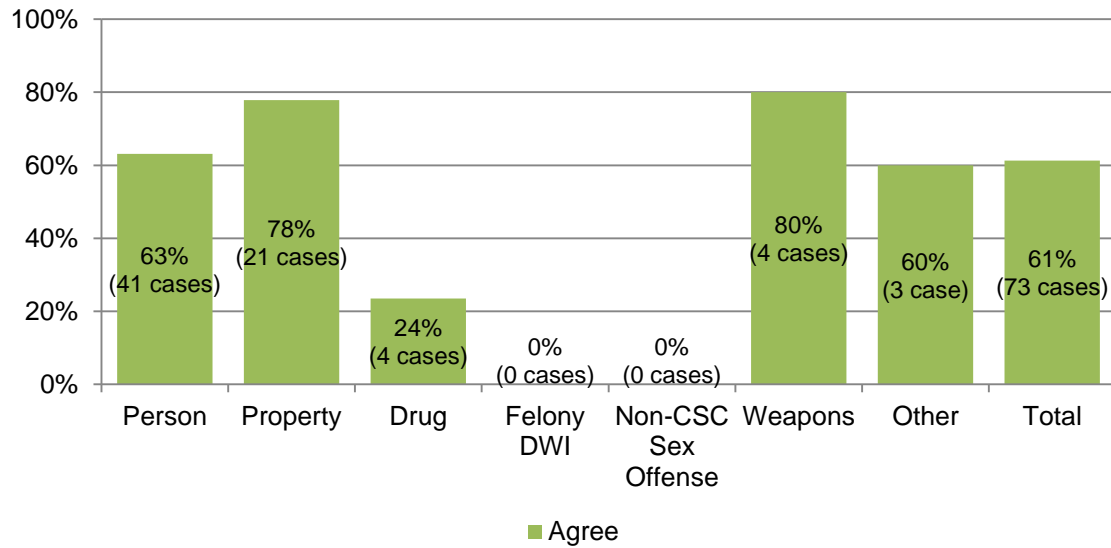


**Figure 21. Mitigated Durational Departures,  
Court-Cited Position of Prosecutor for Selected Offenses, 2016**



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 type.

**Figure 22. Aggravated Durational Departures,  
Court-Cited Position of Prosecutor by Offense Type, 2016**



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 type. There were no cases in which the court stated that the prosecutor objected to the aggravated durational departure.

## Data Tables

### Felony Convictions Receiving Misdemeanor or Gross Misdemeanor 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 mitigated durational departure from the Guidelines because it is below the appropriate range on the applicable Grid (i.e., a duration of less than one year and one day). Although there are relatively few of these departures each year, the rate for this type of departure has grown significantly over the past decade. In 2016, 4.8 percent of felony offenders received a misdemeanor or gross misdemeanor sentence.

**Table 4. Felony-Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981-2016**

Year	Total Number of Offenders	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences
2016	16,927	820	4.8
2015	16,763	783	4.7
2014	16,145	804	5.0
2013	15,318	765	5.0
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	16,167	512	3.2
2006	16,443	439	2.7
2005	15,460	305	2.0
2004	14,751	341	2.3
2003	14,492	365	2.5
2002	12,977	290	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, 1981-2016

Year	Total Number Offenders	Males			Females	
		Number	Percent		Number	Percent
2016	16,927	13,702	80.9		3,225	19.1
2015	16,763	13,621	81.3		3,142	18.7
2014	16,145	13,219	81.9		2,926	18.1
2013	15,318	12,797	83.5		2,521	16.5
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	16,167	13,321	82.4		2,846	17.6
2006	16,443	13,547	82.4		2,896	17.6
2005	15,460	12,686	82.1		2,774	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	12,977	10,653	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, 1981-2016

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense <sup>21</sup>		Weapon		Other <sup>22,23</sup>		Total
	No.	%	No.	%	No.	%			No.	%	No.	%	No.	%	No.
2016	4,857	28.7	4,411	26.1	5,475	32.3	475	2.8	451	2.7	483	2.9	775	4.6	16,927
2015	4,982	29.7	4,575	27.3	4,913	29.3	587	3.5	471	2.8	477	2.8	758	4.5	16,763
2014	4,905	30.4	4,589	28.4	4,363	27.0	656	4.1	507	3.1	467	2.9	659	4.1	16,145
2013	4,836	31.6	4,528	29.6	3,821	24.9	510	3.3	518	3.4	466	3.0	642	4.2	15,318
2012	4,841	31.8	4,604	30.3	3,552	23.4	631	4.1	495	3.3	411	2.7	677	4.5	15,207
2011	4,685	32.2	4,232	29.0	3,409	23.4	660	4.5	476	3.3	346	2.4	765	5.3	14,571
2010	4,605	32.2	4,334	30.3	3,326	23.2	667	4.7	---	---	---	---	1,379	9.6	14,311
2009	4,517	30.4	4,651	31.3	3,578	24.1	704	4.7	---	---	---	---	1,390	9.4	14,840
2008	4,238	27.5	5,003	32.5	3,878	25.2	779	5.1	---	---	---	---	1,496	9.7	15,394
2007	4,117	25.5	5,650	34.9	4,166	25.8	735	4.5	---	---	---	---	1,499	9.3	16,167
2006	3,839	23.3	5,886	35.8	4,484	27.3	788	4.8	---	---	---	---	1,446	8.8	16,443
2005	3,376	21.8	5,455	35.3	4,364	28.2	834	5.4	---	---	---	---	1,431	9.3	15,460
2004	3,174	21.5	5,350	36.3	4,038	27.4	860	5.8	---	---	---	---	1,329	9.0	14,751
2003	3,141	21.7	5,395	37.2	3,896	26.9	810	5.6	---	---	---	---	1,250	8.6	14,492
2002	2,957	22.8	5,271	40.6	3,423	26.4	102	0.8	---	---	---	---	1,224	9.4	12,977
2001	2,679	24.8	4,470	41.4	2,596	24.0	0	0.0	---	---	---	---	1,051	9.7	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

<sup>21</sup> "Non-CSC sex offenses" are offenses on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

<sup>22</sup> "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

<sup>23</sup> "Other" includes non-CSC sex offenses and weapon offenses before 2011.

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense <sup>21</sup>		Weapon		Other <sup>22,23</sup>		Total
	No.	%	No.	%	No.	%			No.	%	No.	%	No.	%	No.
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, 1981-2016

Year	Total Number Offenders	White		Black		American Indian		Hispanic		Asian		Other	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
2016	16,927	9,813	58.0	4,209	24.9	1,472	8.7	903	5.3	525	3.1	5	0.0
2015	16,763	9,677	57.7	4,409	26.3	1,382	8.2	836	5.0	458	2.7	1	0.0
2014	16,145	9,443	58.5	4,163	25.8	1,296	8.0	802	5.0	439	2.7	2	0.0
2013	15,318	8,884	58.0	4,050	26.4	1,177	7.7	780	5.1	426	2.8	1	0.0
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	16,167	9,684	59.9	4,213	26.1	1,020	6.3	912	5.6	333	2.1	5	0.0
2006	16,443	10,133	61.6	4,107	25.0	973	5.9	900	5.5	326	2.0	4	0.0
2005	15,460	9,617	62.2	3,744	24.2	930	6.0	849	5.5	308	2.0	12	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	12,977	7,800	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. Offense Type by Race, 2016

<b>Category/ Offense Title</b>	<b>Total Number*</b>	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Other</b>
<b>Person Offenses</b>	<b>4,857</b>	<b>47.3%</b>	<b>35.3%</b>	<b>8.1%</b>	<b>6.8%</b>	<b>2.6%</b>	<b>0.0%</b>
<i>Accidents</i>	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Aggravated Robbery 1</i>	226	19.9%	63.3%	6.6%	8.8%	1.3%	0.0%
<i>Aggravated Robbery 2</i>	42	52.4%	35.7%	2.4%	9.5%	0.0%	0.0%
<i>Assault 1</i>	65	41.5%	35.4%	13.8%	6.2%	3.1%	0.0%
<i>Assault 2</i>	330	37.9%	40.3%	9.1%	8.2%	4.2%	0.3%
<i>Assault 3</i>	334	46.7%	35.9%	10.2%	6.0%	1.2%	0.0%
<i>Assault 4</i>	144	50.0%	29.9%	13.9%	5.6%	0.7%	0.0%
<i>Assault 5</i>	73	46.6%	27.4%	19.2%	6.8%	0.0%	0.0%
<i>Coercion</i>	2	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
<i>Burglary 1 (severity=8)</i>	91	52.7%	30.8%	5.5%	9.9%	1.1%	0.0%
<i>Criminal Sexual Conduct (CSC) 1</i>	130	49.2%	30.8%	2.3%	16.2%	1.5%	0.0%
<i>CSC 2</i>	115	67.8%	12.2%	6.1%	12.2%	1.7%	0.0%
<i>CSC 3</i>	155	64.5%	20.0%	4.5%	9.0%	1.9%	0.0%
<i>CSC 4</i>	81	60.5%	17.3%	6.2%	13.6%	2.5%	0.0%
<i>CSC 5</i>	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Criminal Vehicular Homicide</i>	33	66.7%	9.1%	12.1%	9.1%	3.0%	0.0%
<i>Crim. Vehicular Injury (severity=3)</i>	71	67.6%	21.1%	7.0%	4.2%	0.0%	0.0%
<i>Crim. Vehicular Injury (severity=5)</i>	31	48.4%	32.3%	9.7%	3.2%	6.5%	0.0%
<i>Domestic Assault</i>	521	48.4%	36.1%	10.6%	4.0%	1.0%	0.0%
<i>Domestic Assault by Strangulation</i>	262	46.9%	37.8%	7.3%	5.0%	3.1%	0.0%
<i>Drive-by Shooting</i>	16	31.3%	50.0%	0.0%	18.8%	0.0%	0.0%
<i>False Imprisonment</i>	9	55.6%	22.2%	11.1%	0.0%	11.1%	0.0%
<i>Kidnapping(severity=8/9)</i>	7	28.6%	71.4%	0.0%	0.0%	0.0%	0.0%
<i>Kidnapping (severity=6)</i>	3	33.3%	33.3%	0.0%	33.3%	0.0%	0.0%
<i>Malicious Punishment of a Child</i>	16	56.3%	25.0%	12.5%	0.0%	6.3%	0.0%
<i>Manslaughter 1 (severity=9)</i>	9	44.4%	33.3%	11.1%	11.1%	0.0%	0.0%
<i>Manslaughter 1 (severity=8)</i>	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Manslaughter 2 (severity=8)</i>	6	50.0%	16.7%	0.0%	33.3%	0.0%	0.0%
<i>Murder 1</i>	13	38.5%	46.2%	0.0%	15.4%	0.0%	0.0%

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

<b>Category/ Offense Title</b>	<b>Total Number*</b>	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Other</b>
<i>Murder 2/3 (severity=10)</i>	19	15.8%	52.6%	10.5%	10.5%	10.5%	0.0%
<i>Murder 2 (severity=11)</i>	48	33.3%	52.1%	6.3%	8.3%	0.0%	0.0%
<i>Murder 3 (severity=9)</i>	14	78.6%	21.4%	0.0%	0.0%	0.0%	0.0%
<i>Parental Rights</i>	13	61.5%	15.4%	23.1%	0.0%	0.0%	0.0%
<i>Prostitution</i>	76	51.3%	43.4%	1.3%	1.3%	2.6%	0.0%
<i>Simple Robbery</i>	150	15.3%	76.0%	6.0%	2.0%	0.7%	0.0%
<i>Solicit Minor for Sex</i>	38	84.2%	10.5%	0.0%	5.3%	0.0%	0.0%
<i>Stalking (severity=4)</i>	19	68.4%	15.8%	0.0%	15.8%	0.0%	0.0%
<i>Stalking (severity=5)</i>	58	60.3%	25.9%	1.7%	6.9%	5.2%	0.0%
<i>Terroristic Threats (severity=1, 2)</i>	15	40.0%	33.3%	13.3%	13.3%	0.0%	0.0%
<i>Terroristic Threats (severity=4)</i>	741	53.2%	28.1%	8.1%	5.9%	4.7%	0.0%
<i>Violate Restraining Order</i>	835	45.9%	36.4%	8.0%	6.3%	3.4%	0.0%
<i>Other Person Offenses**</i>	37	40.5%	35.1%	8.1%	13.5%	2.7%	0.0%
<b>Property Offenses</b>	<b>4,411</b>	<b>59.0%</b>	<b>24.5%</b>	<b>7.9%</b>	<b>4.2%</b>	<b>4.3%</b>	<b>0.0%</b>
<i>Arson 1</i>	18	55.6%	33.3%	5.6%	5.6%	0.0%	0.0%
<i>Arson 2</i>	10	70.0%	20.0%	0.0%	10.0%	0.0%	0.0%
<i>Arson 3</i>	3	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
<i>Burglary 1 (severity=6)</i>	181	55.2%	29.8%	7.2%	5.0%	2.2%	0.6%
<i>Burglary 2 (severity=4)</i>	40	55.0%	25.0%	10.0%	5.0%	5.0%	0.0%
<i>Burglary 2 (severity=5)</i>	365	63.0%	25.5%	6.8%	3.8%	0.8%	0.0%
<i>Burglary 3</i>	421	67.2%	19.0%	9.7%	2.1%	1.9%	0.0%
<i>Check Forgery (severity=1)</i>	21	61.9%	9.5%	19.0%	0.0%	9.5%	0.0%
<i>Check Forgery (severity=2)</i>	296	57.1%	22.6%	8.4%	4.4%	7.4%	0.0%
<i>Check Forgery (severity=3)</i>	73	63.0%	27.4%	2.7%	1.4%	5.5%	0.0%
<i>Check Forgery (severity=5)</i>	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Counterfeit Check</i>	29	55.2%	34.5%	6.9%	0.0%	3.4%	0.0%
<i>Criminal Damage to Property</i>	166	65.1%	17.5%	13.3%	2.4%	1.8%	0.0%
<i>Financial Transaction Card Fraud</i>	310	48.1%	33.2%	7.4%	6.8%	4.5%	0.0%
<i>Identity Theft</i>	110	49.1%	30.0%	2.7%	5.5%	12.7%	0.0%
<i>Issue Dishonored Check</i>	89	77.5%	18.0%	0.0%	0.0%	4.5%	0.0%
<i>Mail Theft</i>	24	79.2%	0.0%	0.0%	0.0%	20.8%	0.0%

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

<b>Category/ Offense Title</b>	<b>Total Number*</b>	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Other</b>
<i>MV Use w/o Consent (severity=3)</i>	378	50.3%	23.3%	11.6%	5.0%	9.8%	0.0%
<i>Other Forgery</i>	29	37.9%	17.2%	17.2%	20.7%	6.9%	0.0%
<i>Poss. Shoplifting Gear</i>	30	63.3%	26.7%	10.0%	0.0%	0.0%	0.0%
<i>Possess Burglary Tools</i>	135	68.9%	13.3%	7.4%	3.0%	7.4%	0.0%
<i>Receiving Stolen Property</i>	399	69.2%	16.8%	7.0%	3.8%	3.3%	0.0%
<i>Theft</i>	931	57.0%	28.0%	7.3%	4.5%	3.1%	0.0%
<i>Theft from Person</i>	69	20.3%	69.6%	7.2%	2.9%	0.0%	0.0%
<i>Theft of a Firearm</i>	42	50.0%	31.0%	9.5%	7.1%	2.4%	0.0%
<i>Theft of MV (severity=4)</i>	78	52.6%	20.5%	14.1%	5.1%	7.7%	0.0%
<i>Theft Over \$35,000</i>	43	65.1%	20.9%	0.0%	7.0%	7.0%	0.0%
<i>Wrongfully Obtaining Assistance</i>	61	57.4%	29.5%	0.0%	8.2%	4.9%	0.0%
<i>Other Property Offenses**</i>	58	77.6%	8.6%	6.9%	5.2%	1.7%	0.0%
<b>Drug Offenses</b>	<b>5,475</b>	<b>67.1%</b>	<b>15.1%</b>	<b>10.0%</b>	<b>4.9%</b>	<b>3.0%</b>	<b>0.0%</b>
<i>Con Sub Intent to Manufacture</i>	6	66.7%	0.0%	33.3%	0.0%	0.0%	0.0%
<i>Controlled Substance 1</i>	281	56.6%	21.7%	4.6%	12.5%	4.6%	0.0%
<i>Controlled Substance 2</i>	456	61.8%	22.4%	4.6%	8.1%	3.1%	0.0%
<i>Controlled Substance 3</i>	613	63.1%	22.3%	5.4%	6.0%	3.1%	0.0%
<i>Controlled Substance 4</i>	103	68.9%	10.7%	12.6%	6.8%	1.0%	0.0%
<i>Controlled Substance 5</i>	3,984	69.1%	12.8%	11.6%	3.6%	2.9%	0.0%
<i>Other Drug Offenses**</i>	32	53.1%	12.5%	6.3%	25.0%	3.1%	0.0%
<b>Felony DWI</b>	<b>475</b>	<b>62.5%</b>	<b>20.8%</b>	<b>8.0%</b>	<b>6.7%</b>	<b>1.7%</b>	<b>0.2%</b>
<b>Non-CSC Sex Offense</b>	<b>451</b>	<b>59.9%</b>	<b>22.2%</b>	<b>8.6%</b>	<b>7.1%</b>	<b>2.2%</b>	<b>0.0%</b>
<i>Child Porn</i>	91	95.6%	2.2%	0.0%	1.1%	1.1%	0.0%
<i>Predatory Offender Fail to Register</i>	351	50.1%	27.9%	10.8%	8.8%	2.3%	0.0%
<i>Other Sex Grid</i>	9	77.8%	0.0%	11.1%	0.0%	11.1%	0.0%
<b>Weapons</b>	<b>483</b>	<b>43.7%</b>	<b>43.9%</b>	<b>7.2%</b>	<b>3.5%</b>	<b>1.7%</b>	<b>0.0%</b>
<i>Discharge Firearm</i>	43	74.4%	23.3%	0.0%	2.3%	0.0%	0.0%
<i>Felon with Gun</i>	390	39.5%	48.7%	6.7%	3.1%	2.1%	0.0%
<i>Other Weapon Related</i>	50	50.0%	24.0%	18.0%	8.0%	0.0%	0.0%
<b>Other Offenses</b>	<b>775</b>	<b>59.9%</b>	<b>22.8%</b>	<b>9.5%</b>	<b>4.6%</b>	<b>2.8%</b>	<b>0.3%</b>
<i>Accomplice After the Fact</i>	30	26.7%	53.3%	10.0%	3.3%	6.7%	0.0%
<i>Aid Offender</i>	34	55.9%	20.6%	14.7%	5.9%	2.9%	0.0%

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

<b>Category/ Offense Title</b>	<b>Total Number*</b>	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Other</b>
<i>Bribery</i>	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Escape (severity=3)</i>	82	52.4%	26.8%	19.5%	1.2%	0.0%	0.0%
<i>Failure to Appear</i>	19	31.6%	10.5%	52.6%	5.3%	0.0%	0.0%
<i>Flee Police in MV</i>	520	62.5%	21.7%	7.3%	5.0%	3.3%	0.2%
<i>Lottery Fraud</i>	6	83.3%	16.7%	0.0%	0.0%	0.0%	0.0%
<i>Obstruct Legal Process</i>	13	69.2%	7.7%	7.7%	7.7%	7.7%	0.0%
<i>Perjury</i>	5	60.0%	20.0%	0.0%	20.0%	0.0%	0.0%
<i>Tamper with Witness</i>	9	33.3%	55.6%	11.1%	0.0%	0.0%	0.0%
<i>Tax Offenses</i>	19	78.9%	15.8%	0.0%	0.0%	0.0%	5.3%
<i>Offenses Not Listed Elsewhere**</i>	45	64.4%	24.4%	2.2%	6.7%	2.2%	0.0%
<b>Total</b>	<b>16,927</b>	<b>58.0%</b>	<b>24.9%</b>	<b>8.7%</b>	<b>5.3%</b>	<b>3.1%</b>	<b>0.0%</b>

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



**Table 9. Volume of Offenders by Judicial District, 1981-2016**

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>
2016	2,192	1,784	1,344	3,341	1,075	862	1,689	432	1,688	2,520
2015	2,049	2,055	1,381	3,240	918	919	1,691	435	1,696	2,379
2014	1,864	2,008	1,264	3,192	871	967	1,708	430	1,510	2,331
2013	1,806	1,925	1,333	2,983	763	964	1,543	384	1,407	2,210
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	1,817	2,060	1,440	3,403	818	880	1,706	387	1,202	2,454
2006	1,800	2,057	1,347	3,630	821	1,014	1,646	431	1,220	2,477
2005	1,833	2,032	1,221	3,096	739	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	1,779
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. Since 2006, both completed and attempted first-degree murder offenses have been assigned a Severity Level 12. In August 2006, the Sex Offender Grid went into effect and, in 2016, the Drug Offender Grid went into effect. Those offenders are included in the severity-level groups that most closely correspond to how those offenses were ranked before the implementation of those Grids.

**Table 10. Volume of Offenders by Severity-Level Group and Criminal-History Group, 1978, 1981-2016**

Year	Distribution by Severity-Level Group						Distribution by Criminal History Score Group					
	Sev. Level 1-4/H-F/D1-4		Sev. Level 5-7/E,D/D5,D6		Sev. Level 8-12/C-A/D7-9		CHS 0		CHS 1 - 3		CHS 4 or more	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
2016	12,334	72.9	2,989	17.7	1,604	9.5	5,345	31.6	7,459	44.1	4,123	24.4
2015	12,138	72.4	3,108	18.5	1,517	9.0	5,549	33.1	7,202	43.0	4,012	23.9
2014	11,403	70.6	3,199	19.8	1,543	9.6	5,318	32.9	6,882	42.6	3,945	24.4
2013	10,856	70.9	3,073	20.1	1,389	9.1	5,155	33.7	6,461	42.2	3,702	24.2
2012	10,567	69.5	3,299	21.7	1,341	8.8	5,266	34.6	6,369	41.9	3,572	23.5
2011	10,257	70.4	2,976	20.4	1,338	9.2	5,228	35.9	6,072	41.7	3,271	22.4
2010	9,959	69.6	2,998	20.9	1,354	9.5	5,502	38.4	5,731	40.0	3,078	21.5
2009	10,195	68.7	3,116	21.0	1,529	10.3	5,778	38.9	6,003	40.5	3,059	20.6
2008	10,615	69.0	3,167	20.6	1,612	10.5	5,851	38.0	6,354	41.3	3,189	20.7
2007	11,424	70.7	3,145	19.5	1,598	9.9	6,325	39.1	6,744	41.7	3,099	19.2
2006	11,673	71.0	3,188	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, 11b, and 11c:** The format of Tables 11a - 11c mirror the formats of the Standard Grid, Sex Offender Grid and Drug 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 2016, 348 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, 39.6 percent had a Criminal History Score of 0 (the row percent). Of the offenders who had a Criminal History Score of 0, 7.0 percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2015, 1,041 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 11a and are displayed on Table 11b.

The Drug Offender Grid went into effect August 1, 2016. In 2016, 195 offenders were sentenced using the Drug Offender Grid. Those offenders are excluded from Tables 11a and 11b and are displayed on Table 11c.

Table 11a. Distribution of Offenders by Severity and History, 2016

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Murder 1</b>	3 23.1% 0.1%	1 7.7% 0.0%	4 30.8% 0.2%	1 7.7% 0.1%	1 7.7% 0.1%	2 15.4% 0.2%	1 7.7% 0.1%	13 100.0% 0.1%
<b>Sev. Level 11</b>	18 37.5% 0.4%	4 8.3% 0.1%	8 16.7% 0.3%	5 10.4% 0.3%	2 4.2% 0.2%	3 6.3% 0.3%	8 16.7% 0.5%	48 100.0% 0.3%
<b>Sev. Level 10</b>	13 54.2% 0.3%	3 12.5% 0.1%	2 8.3% 0.1%	1 4.2% 0.1%	2 8.3% 0.2%	1 4.2% 0.1%	2 8.3% 0.1%	24 100.0% 0.2%
<b>Sev. Level 9</b>	159 41.0% 3.2%	59 15.2% 2.1%	50 12.9% 2.1%	32 8.2% 1.8%	19 4.9% 1.5%	21 5.4% 2.4%	48 12.4% 2.9%	388 100.0% 2.5%
<b>Sev. Level 8</b>	325 36.2% 6.5%	154 17.1% 5.4%	118 13.1% 5.0%	93 10.3% 5.3%	62 6.9% 4.8%	49 5.5% 5.6%	98 10.9% 5.9%	899 100.0% 5.7%
<b>Sev. Level 7</b>	91 18.6% 1.8%	151 30.8% 5.3%	85 17.3% 3.6%	45 9.2% 2.6%	46 9.4% 3.5%	34 6.9% 3.9%	38 7.8% 2.3%	490 100.0% 3.1%
<b>Sev. Level 6</b>	466 29.3% 9.4%	275 17.3% 9.7%	244 15.3% 10.3%	164 10.3% 9.4%	138 8.7% 10.6%	89 5.6% 10.1%	214 13.5% 13.0%	1,590 100.0% 10.1%
<b>Sev. Level 5</b>	244 37.0% 4.9%	126 19.1% 4.4%	87 13.2% 3.7%	43 6.5% 2.5%	51 7.7% 3.9%	40 6.1% 4.6%	69 10.5% 4.2%	660 100.0% 4.2%
<b>Sev. Level 4</b>	970 26.7% 19.5%	612 16.9% 21.6%	572 15.8% 24.1%	505 13.9% 28.8%	356 9.8% 27.4%	223 6.1% 25.4%	393 10.8% 23.8%	3,631 100.0% 23.0%
<b>Sev. Level 3</b>	474 35.0% 9.5%	222 16.4% 7.8%	206 15.2% 8.7%	135 10.0% 7.7%	94 6.9% 7.2%	78 5.8% 8.9%	145 10.7% 8.8%	1,354 100.0% 8.6%
<b>Sev. Level 2</b>	1,858 32.1% 37.4%	1,099 19.0% 38.7%	886 15.3% 37.4%	655 11.3% 37.3%	456 7.9% 35.2%	280 4.8% 31.9%	547 9.5% 33.2%	5,781 100.0% 36.7%
<b>Sev. Level 1</b>	348 39.6% 7.0%	133 15.1% 4.7%	109 12.4% 4.6%	75 8.5% 4.3%	70 8.0% 5.4%	58 6.6% 6.6%	85 9.7% 5.2%	878 100.0% 5.6%
<b>Column Total</b>	4,969 31.5% 100.0%	2,839 18.0% 100.0%	2,371 15.0% 100.0%	1,754 11.1% 100.0%	1,297 8.2% 100.0%	878 5.6% 100.0%	1,648 10.5% 100.0%	15,756 100.0% 100.0%

**Table 11b. Distribution of Offenders by Severity and Criminal History, Sex Offender Grid, 2016**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Sev. Level A	57	16	6	18	9	3	11	120
	47.5%	13.3%	5.0%	15.0%	7.5%	2.5%	9.2%	100.0%
	15.8%	11.2%	5.9%	13.5%	9.6%	5.1%	12.9%	12.3%
Sev. Level B	21	8	3	4	1	0	2	39
	53.8%	20.5%	7.7%	10.3%	2.6%	0.0%	5.1%	100.0%
	5.8%	5.6%	3.0%	3.0%	1.1%	0.0%	2.4%	4.0%
Sev. Level C	32	6	10	4	1	0	11	64
	50.0%	9.4%	15.6%	6.3%	1.6%	0.0%	17.2%	100.0%
	8.9%	4.2%	9.9%	3.0%	1.1%	0.0%	12.9%	6.6%
Sev. Level D	102	34	13	17	2	6	4	178
	57.3%	19.1%	7.3%	9.6%	1.1%	3.4%	2.2%	100.0%
	28.3%	23.8%	12.9%	12.8%	2.1%	10.2%	4.7%	18.2%
Sev. Level E	30	9	2	5	0	2	3	51
	58.8%	17.6%	3.9%	9.8%	0.0%	3.9%	5.9%	100.0%
	8.3%	6.3%	2.0%	3.8%	0.0%	3.4%	3.5%	5.2%
Sev. Level F	24	6	7	6	2	1	1	47
	51.1%	12.8%	14.9%	12.8%	4.3%	2.1%	2.1%	100.0%
	6.6%	4.2%	6.9%	4.5%	2.1%	1.7%	1.2%	4.8%
Sev. Level G	65	18	15	12	11	2	4	127
	51.2%	14.2%	11.8%	9.4%	8.7%	1.6%	3.1%	100.0%
	18.0%	12.6%	14.9%	9.0%	11.7%	3.4%	4.7%	13.0%
Sev. Level H <i>Failure to Register</i>	30	46	45	67	68	45	49	350
	8.6%	13.1%	12.9%	19.1%	19.4%	12.9%	14.0%	100.0%
	8.3%	32.2%	44.6%	50.4%	72.3%	76.3%	57.6%	35.9%
Column Total	361	143	101	133	94	59	85	976
	37.0%	14.7%	10.3%	13.6%	9.6%	6.0%	8.7%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Table 11c. Distribution of Offenders by Severity and Criminal History,  
Drug Offender Grid, 2016**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Sev. Level D9	0	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
Sev. Level D8	0	2	0	0	0	0	0	2
	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	0.0%	4.4%	0.0%	0.0%	0.0%	0.0%	0.0%	1.0%
Sev. Level D7	1	2	0	1	0	0	3	7
	14.3%	28.6%	0.0%	14.3%	0.0%	0.0%	42.9%	100.0%
	6.7%	4.4%	0.0%	6.7%	0.0%	0.0%	13.6	3.6%
Sev. Level D6	3	8	3	2	1	1	2	20
	15.0%	40.0%	15.0%	10.0%	5.0%	5.0%	10.0%	100.0%
	20.0%	17.8%	7.0%	6.7%	4.8%	5.3%	9.1%	10.3%
Sev. Level D5	0	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
Sev. Level D4	0	0	2	2	1	0	0	5
	0.0%	0.0%	40.0%	40.0%	20.0%	0.0%	0.0%	100.0%
	0.0%	0.0%	4.7%	6.7%	4.8%	0.0%	0.0%	2.6%
Sev. Level D3	1	0	0	0	0	0	0	1
	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	6.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.5%
Sev. Level D2	10	33	38	25	19	18	17	160
	6.3%	20.6%	23.8%	15.6%	11.9%	11.3%	10.6%	100.0%
	66.7%	73.3%	88.4%	83.3%	90.5%	94.7%	77.3%	82.1%
Sev. Level D1	0	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
Column Total	15	45	43	30	21	19	22	195
	7.7%	23.1%	22.1%	15.4%	10.8%	9.7%	11.3%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

### *Incarceration Rates*

**How to read Table 12:** The following table shows the percentage of offenders by gender who the Guidelines presumed should receive an executed prison sentence (“presumptive”) and who actually received an executed prison sentence (“actual”). For example, of the 13,702 male offenders sentenced in 2016 (Table 5), 37 percent had a presumptive prison disposition and 28.4 percent received a sentence of imprisonment. The actual incarceration rates in this table and the local incarceration rates in Table 15 can be added together to derive the total incarceration rates.

Table 12. Imprisonment Rate by Gender, 1978, 1981-2016

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate		Female Imprisonment Rate	
		Presumptive Rate	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
2016	16,927	33.1	4,308	25.5	36.7	28.4	17.6	12.8
2015	16,763	33.2	4,392	26.2	37.0	29.3	16.5	12.6
2014	16,145	34.4	4,218	26.1	37.9	29.0	18.4	13.0
2013	15,318	34.8	4,193	27.4	38.1	30.3	18.0	12.6
2012	15,207	34.1	4,004	26.3	37.4	29.1	17.4	12.4
2011	14,571	33.3	3,653	25.1	36.6	27.9	16.4	10.9
2010	14,311	32.7	3,640	25.4	36.0	28.3	15.7	11.0
2009	14,840	33.0	3,723	25.1	36.4	27.7	16.3	12.2
2008	15,394	32.4	3,852	25.0	35.8	27.9	16.4	11.8
2007	16,167	30.0	3,759	23.3	33.1	25.8	15.6	11.5
2006	16,443	28.7	3,593	21.9	31.8	24.4	14.2	9.8
2005	15,460	29.2	3,581	23.2	32.3	25.8	15.1	11.2
2004	14,751	30.1	3,443	23.4	33.3	26.1	16.0	11.0
2003	14,492	30.6	3,536	24.4	33.8	27.2	14.8	10.9
2002	12,977	29.6	3,057	23.6	32.9	26.4	14.5	10.7
2001	10,796	28.7	2,449	22.7	31.7	25.6	15.3	9.5
2000	10,395	27.6	2,428	23.4	31.0	26.2	11.7	10.1
1999	10,634	26.6	2,451	23.0	29.6	25.6	12.4	11.0
1998	10,887	27.0	2,561	23.5	30.3	26.4	11.3	9.8
1997	9,847	28.1	2,189	22.2	31.6	25.2	12.1	8.7
1996	9,480	27.7	2,189	23.1	31.4	26.2	10.8	8.8
1995	9,421	27.8	2,136	22.7	31.2	25.6	12.1	9.4
1994	9,787	26.7	2,043	20.9	30.0	23.7	11.3	7.6
1993	9,637	27.1	2,064	21.4	30.5	24.4	10.3	6.9
1992	9,325	26.4	1,925	20.6	29.2	23.1	11.1	7.8
1991	9,161	25.0	1,777	19.4	27.8	21.9	9.8	6.0
1990	8,844	25.0	1,725	19.5	27.6	21.9	11.4	7.6
1989	7,974	25.5	1,752	22.0	28.2	24.2	11.6	10.7
1988	7,572	24.5	1,586	20.9	27.4	23.5	9.0	7.4
1987	6,674	23.5	1,443	21.6	26.4	24.2	8.5	8.4
1986	6,032	22.2	1,198	19.9	24.9	22.3	7.5	6.9
1985	6,236	23.3	1,186	19.0	26.0	21.1	8.0	7.6
1984	5,792	21.9	1,134	19.6	24.1	21.5	6.9	6.6
1983	5,562	20.4	1,140	20.5	22.6	22.3	7.2	8.8
1982	6,066	18.7	1,128	18.6	20.8	20.5	5.4	6.4
1981	5,500	15.0	825	15.0	16.2	16.2	5.6	5.5
1978	4,369	NA	891	20.4	NA	21.9	NA	9.2

**How to read Table 13:** The following table shows the percentage of offenders for each race/ethnicity who the Guidelines presumed should receive an executed prison sentence (“presumptive”) and who actually received an executed prison sentence (“actual”). For example, of the 9,813 white offenders sentenced in 2016 (Table 7), 28.8 percent had a presumptive prison disposition and 22.3 percent received a sentence of imprisonment. The actual imprisonment rates in this table and the local incarceration rates in Table 16 can be added together to derive the total incarceration rate.

**Table 13. Imprisonment Rate by Race/Ethnicity, 1978, 1981-2016**

Year	Race											
	White		Black		American Indian		Hispanic		Asian		Other	
	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual
2016	28.8	22.3	43.8	31.2	29.1	26.8	39.2	31.6	27.8	23.0	20.0	0.0
2015	29.5	23.2	42.7	32.6	28.9	26.3	36.4	28.2	27.5	24.9	0.0	0.0
2014	30.3	22.7	43.1	31.9	35.6	30.9	38.5	30.0	29.2	24.6	0.0	0.0
2013	29.9	23.5	44.9	34.5	35.1	28.8	40.3	33.3	29.3	24.4	0.0	0.0
2012	29.7	22.6	43.2	33.6	35.5	28.2	36.3	28.1	30.7	24.7	25.0	25.0
2011	28.3	21.0	41.8	31.4	37.4	30.2	37.5	31.2	30.6	18.8	-- *	--
2010	27.6	21.2	41.8	32.9	37.8	30.3	32.9	27.0	31.1	21.8	--	--
2009	28.6	20.9	40.8	31.7	36.8	30.9	33.3	26.5	32.5	26.7	--	--
2008	28.0	21.5	40.6	31.6	36.8	29.4	33.9	26.3	29.0	21.0	50.0	50.0
2007	26.2	20.0	38.4	30.0	31.6	24.8	31.3	26.6	27.9	18.3	0.0	0.0
2006	25.2	18.9	35.8	26.9	33.2	28.1	32.2	25.9	26.1	20.9	0.0	0.0
2005	24.6	19.8	38.8	29.4	34.8	29.2	31.3	26.8	32.8	26.0	41.7	5.3
2004	25.9	19.9	39.2	30.2	33.0	27.4	34.6	28.2	31.7	22.9	--	--
2003	27.2	22.0	37.3	29.3	29.6	24.6	38.5	30.9	34.8	23.3	31.6	26.3
2002	26.1	20.7	35.5	27.7	33.0	27.5	36.3	31.3	31.2	24.9	23.9	15.5
2001	24.7	19.3	36.1	28.6	31.5	25.3	31.4	27.6	34.1	23.7	0.0	0.0
2000	23.4	19.7	34.6	29.3	29.7	26.4	37.1	30.5	22.2	22.2	17.4	15.9
1999	22.2	19.2	33.7	28.6	29.6	27.7	33.7	30.6	30.4	25.4	25.5	21.8
1998	22.1	19.9	35.7	30.2	29.6	26.9	33.6	28.3	29.0	20.4	20.4	11.1
1997	23.4	19.1	36.0	26.5	32.5	30.0	35.4	28.2	24.2	13.6	18.2	15.9
1996	23.8	20.2	36.6	29.9	28.3	25.4	29.2	22.3	21.4	16.1	24.4	14.6
1995	23.4	19.5	35.8	28.5	35.4	29.5	30.0	23.6	30.3	23.0	25.9	18.5
1994	22.9	18.1	36.1	27.8	31.1	25.2	26.1	18.8	23.3	17.6	33.3	20.8
1993	22.8	17.9	37.7	30.2	31.0	25.0	28.5	21.4	33.3	25.8	18.4	18.4



Year	Race											
	White		Black		American Indian		Hispanic		Asian		Other	
	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual	Presump- tive	Actual
1992	22.9	17.8	35.2	28.2	31.3	24.3	28.1	23.1	29.5	17.1	25.0	25.0
1991	21.0	16.5	35.2	27.1	34.2	27.1	29.1	23.6	36.3	16.5	27.6	10.3
1990	22.1	16.8	32.6	26.5	34.1	28.2	27.3	23.3	36.2	29.0	24.0	16.0
1989	22.6	19.4	34.6	32.1	33.7	26.2	22.8	14.0	26.1	10.9	20.8	25.0
1988	21.6	18.3	32.7	29.1	31.5	28.2	28.1	22.2	22.9	11.4	35.3	11.8
1987	21.2	19.4	33.4	30.8	26.2	26.7	27.4	18.5	18.5	18.5	17.6	17.6
1986	20.9	18.6	29.2	26.1	21.4	22.3	21.3	17.5	24.0	12.0	38.9	38.9
1985	21.2	16.8	33.0	27.7	25.0	25.0	25.9	23.1	26.3	21.1	27.6	20.7
1984	20.5	17.5	29.8	30.2	25.2	26.2	20.4	19.5	6.3	0.0	31.6	15.8
1983	18.7	18.1	29.9	31.4	22.1	29.2	19.3	21.9	11.1	11.1	33.3	26.7
1982	15.9	15.6	32.1	32.1	25.5	28.9	35.0	34.0	18.8	12.5	23.8	23.8
1981	12.3	12.2	28.9	29.2	23.2	26.1	26.7	25.6	20.0	10.0	100.0	75.0
1978	NA	19.3	NA	28.9	NA	22.7	NA	17.6	NA	0.0	NA	31.4

\* In this table, "--" means that there were no offenders sentenced in the category.

**How to read Table 14:** The following table shows the percentage of offenders sentenced in each Minnesota Judicial District who the Guidelines presumed should receive an executed prison sentence (“Pres.”) and who actually received an executed prison sentence (“Act.”). For example, of the 3,341 offenders sentenced in the Fourth Judicial District in 2015 (Table 9), 40.8 percent had a recommended prison disposition and 29 percent received a sentence of incarceration in a state prison. The actual imprisonment rates in this table and the local incarceration rates in Table 17 can be added together to derive the total incarceration rate.

**Table 14. Imprisonment Rates by MN Judicial District, 1978, 1981-2016**

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>	
	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.
2016	27.1	20.2	38.8	28.7	31.5	24.6	40.8	29.0	30.1	21.8	31.3	21.7	33.4	29.2	28.0	29.9	29.1	25.7	29.8	22.8
2015	27.3	21.0	34.7	26.4	33.2	24.5	41.2	31.8	27.3	20.0	32.0	20.1	35.1	30.8	36.3	32.0	28.1	25.9	30.3	24.5
2014	28.6	20.8	38.0	26.8	31.7	25.6	42.2	31.0	29.7	22.7	35.8	23.2	35.7	29.3	29.1	24.9	31.3	27.0	29.9	23.3
2013	28.0	20.8	41.0	33.3	32.6	28.1	43.6	31.2	29.5	21.4	34.1	23.4	34.5	30.4	28.4	27.1	31.6	27.9	29.8	23.4
2012	28.6	20.8	37.8	31.5	31.3	25.2	41.5	29.7	30.5	22.6	30.9	20.2	35.7	29.9	32.9	27.1	31.6	26.8	30.4	23.2
2011	28.8	20.7	33.7	28.3	29.5	26.5	43.7	30.6	27.1	19.8	30.2	21.1	32.5	24.3	32.2	28.7	31.5	25.3	29.2	20.3
2010	28.0	19.1	35.0	29.5	27.8	23.8	41.8	31.5	28.3	21.0	29.2	18.1	34.4	30.2	32.2	30.9	31.5	25.1	26.8	19.8
2009	27.9	19.8	33.7	29.4	28.5	24.2	40.2	28.8	26.5	19.6	29.3	19.8	36.9	29.9	28.4	28.6	33.0	23.7	29.0	20.3
2008	30.9	22.4	31.7	27.2	29.8	26.5	39.6	27.8	31.4	20.7	27.0	20.2	33.8	30.1	26.5	26.3	30.9	22.3	27.9	20.8
2007	27.7	19.7	31.2	26.2	27.2	22.6	37.3	26.5	26.8	18.1	25.3	19.9	30.8	28.1	26.9	24.0	28.0	23.0	26.0	18.9
2006	26.4	17.7	29.6	24.0	27.2	25.3	34.0	23.3	26.9	20.6	24.4	16.1	28.1	25.2	30.4	26.7	28.0	21.6	25.5	19.0
2005	26.3	18.9	30.5	24.1	28.0	25.4	37.0	26.4	28.3	21.7	23.1	17.8	28.5	26.0	27.0	26.5	29.4	26.2	24.2	18.7
2004	24.8	15.8	33.5	27.9	28.4	24.0	35.9	25.5	29.8	27.3	24.7	17.8	28.8	24.1	27.8	26.8	32.3	26.3	26.1	19.7
2003	25.9	20.0	32.8	27.1	31.0	25.4	34.4	26.1	34.5	27.9	25.1	18.6	27.5	24.9	31.8	27.7	31.5	26.7	29.3	21.7
2002	26.6	19.8	31.2	25.5	30.2	24.7	34.5	25.3	30.9	25.4	25.1	19.5	25.4	22.7	26.8	26.8	25.7	22.5	29.3	22.9
2001	23.4	17.3	31.2	25.4	30.7	23.2	34.9	26.9	24.3	20.5	22.9	15.5	24.6	23.1	24.4	24.8	27.1	21.8	26.8	20.4
2000	23.8	19.6	28.5	25.5	27.4	22.8	33.1	26.7	26.0	21.7	22.7	18.9	22.0	20.2	26.9	26.9	25.9	23.3	25.8	21.2
1999	22.5	18.4	27.2	22.5	22.6	20.1	34.2	29.0	22.6	25.6	23.3	17.9	22.6	20.6	24.1	30.7	22.0	21.2	24.8	20.5
1998	22.3	18.6	26.9	24.3	27.0	26.5	37.1	29.4	23.5	20.9	19.2	15.1	24.0	21.6	27.7	27.0	22.2	23.1	20.0	19.1
1997	22.8	19.6	27.9	22.5	28.1	21.3	37.9	26.5	20.3	19.6	25.1	17.0	24.1	22.4	24.8	21.8	26.0	25.1	22.5	17.8
1996	25.5	20.6	29.9	25.1	26.1	22.2	36.8	27.6	20.5	19.7	23.6	20.1	20.6	19.4	25.7	22.9	26.0	21.7	23.0	21.3
1995	21.6	18.4	26.6	21.4	25.6	19.2	39.5	29.8	25.5	23.5	27.2	18.9	22.5	17.9	27.1	28.6	21.7	22.0	23.3	20.9
1994	19.1	14.5	25.0	18.4	25.0	15.9	40.2	30.1	18.3	18.3	21.9	16.8	23.1	21.5	28.2	23.2	24.4	20.6	21.7	17.2
1993	22.9	18.5	26.8	23.6	21.8	15.6	41.1	29.6	17.0	15.7	23.3	17.7	21.1	18.2	24.8	20.9	20.8	18.0	22.6	17.7
1992	20.4	15.7	24.4	20.7	23.1	16.5	38.4	27.1	20.7	19.9	21.4	19.0	20.7	18.6	21.4	20.8	22.2	18.3	22.4	17.3
1991	20.2	16.3	22.9	18.6	19.9	11.8	36.6	27.6	19.4	16.4	17.8	15.3	19.5	16.3	19.7	18.0	21.8	17.8	22.3	16.4

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>	
	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.
<b>1990</b>	23.8	16.5	19.6	18.5	24.4	17.3	33.7	25.3	21.3	18.2	21.1	16.0	20.9	19.3	21.1	24.9	22.3	15.1	23.9	16.9
<b>1989</b>	23.8	19.1	23.7	21.3	27.2	22.3	32.3	29.4	27.3	23.5	21.8	19.6	18.5	15.2	20.6	22.0	19.9	16.0	23.0	17.4
<b>1988</b>	21.6	15.7	25.1	24.0	21.7	15.7	30.5	23.9	18.5	19.4	19.6	18.4	20.3	18.4	29.8	23.4	18.2	21.8	23.3	18.9
<b>1987</b>	23.4	17.8	23.9	26.1	20.0	16.3	31.0	27.5	19.3	16.1	15.6	19.2	21.1	18.1	26.2	22.1	18.6	21.4	21.8	18.0
<b>1986</b>	20.9	18.0	18.7	19.2	26.1	18.5	29.5	24.5	18.7	16.8	16.2	18.3	18.3	14.5	20.6	15.6	19.1	22.1	24.0	21.0
<b>1985</b>	19.2	15.4	23.4	21.4	19.5	13.2	29.5	21.8	15.2	13.9	24.5	19.7	20.7	17.2	19.7	17.9	19.9	19.8	24.0	19.0
<b>1984</b>	21.2	15.8	20.7	20.6	17.1	11.5	28.0	25.0	20.6	17.2	21.8	19.7	18.1	14.9	23.2	18.0	18.8	20.5	20.4	19.3
<b>1983</b>	17.8	16.9	20.0	22.1	18.3	19.1	27.8	29.3	18.3	17.7	18.7	18.5	15.4	13.6	21.2	14.5	15.5	19.3	19.3	15.4
<b>1982</b>	16.1	14.9	18.5	20.0	15.1	14.1	29.7	29.7	8.7	10.2	15.9	16.1	16.5	16.9	17.2	15.3	16.8	15.9	14.5	13.2
<b>1981</b>	9.9	6.3	14.2	15.7	12.0	11.0	26.3	24.2	4.4	5.1	10.3	14.0	11.2	11.8	8.1	8.1	13.3	14.1	13.4	14.5
<b>1978</b>	NA	17.0	NA	22.7	NA	25.7	NA	23.9	NA	17.4	NA	13.4	NA	13.2	NA	18.5	NA	17.0	NA	21.7

**How to read Table 15:** The following table shows the percentage of offenders by gender who received incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 13,702 male offenders sentenced in 2016 (Table 5), 64.3 percent received incarceration in a local correctional facility as a condition of a stayed sentence.

**Table 15. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender, 1978, 1981-2016**

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		By Gender (Rate)	
		Number	Rate	Male	Female
2016	16,927	11,271	66.6	64.3	76.2
2015	16,763	10,996	65.6	63.4	75.2
2014	16,145	10,678	66.1	64.4	73.9
2013	15,318	9,979	65.1	63.1	75.4
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	16,167	10,970	67.9	66.4	74.6
2006	16,443	11,492	69.9	68.3	77.4
2005	15,460	10,672	69.0	67.6	75.8
2004	14,751	10,071	68.3	66.9	74.4
2003	14,492	9,557	66.0	64.6	72.3
2002	12,977	8,599	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 16:** The following table shows the percentage of offenders for each race/ethnicity who received incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 9,813 white offenders sentenced in 2016 (Table 7), 68.8 percent received incarceration in a local facility as a condition of a stayed sentence.

**Table 16. Incarceration in Local Correctional Facilities by Race/Ethnicity, 1978, 1981-2016**

Year	Total Number Sentenced	Local Incarceration as a Condition or Probation		Rate By Race/Ethnicity					
		Number	Rate	White	Black	American Indian	Hispanic	Asian	Other
2016	16,927	11,271	66.6	68.8	62.4	65.9	61.0	70.3	100.0
2015	16,763	10,996	65.6	67.7	60.8	66.1	64.2	68.1	100.0
2014	16,145	10,678	66.1	68.4	62.6	61.5	64.0	69.5	100.0
2013	15,318	9,979	65.1	67.7	60.4	62.8	60.4	71.1	100.0
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	16,167	10,970	67.9	70.0	63.2	67.7	64.0	73.3	100.0
2006	16,443	11,492	69.9	72.0	66.1	66.2	66.2	73.9	25.0
2005	15,460	10,672	69.0	71.7	65.0	62.8	62.8	69.5	75.0
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	12,977	8,599	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 17:** The following table shows the percentage of offenders sentenced in each Minnesota Judicial District who received incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 3,341 offenders sentenced in the Fourth Judicial District in 2016 (Table 1), 60.2 percent received a sentence including incarceration in a local correctional facility.

**Table 17. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981-2016**

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>
2016	71.8	70.5	61.8	60.2	69.7	67.4	67.6	66.9	59.5	72.8
2015	68.4	71.7	57.6	59.9	70.8	67.2	67.1	63.2	61.1	70.2
2014	69.7	72.5	55.5	62.3	69.9	61.6	67.8	69.3	58.1	72.7
2013	71.5	66.2	55.1	60.9	71.3	62.4	66.8	68.5	58.1	72.6
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	72.0	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	68.2	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

### Departure Rates

**Table 18. Dispositional Departures by Gender, Race, and Judicial District, 2016**

		Total Cases	Total Disp. Dep. Rate	All Cases, by Dispositional Departure Type					
				No Departure		Aggravated		Mitigated	
				No.	Rate	No.	Rate	No.	Rate
<b>Gender</b>	Male	13,702	15.4	11,595	84.6	409	3.0	1,698	12.4
	Female	3,225	13.4	2,792	86.6	123	3.8	310	9.6
<b>Race/ Ethnicity</b>	White	9,813	14.5	8,395	85.5	335	3.4	1,083	11.0
	Black	4,209	17.0	3,494	83.0	79	1.9	636	15.1
	American Indian	1,472	13.7	1,270	86.3	74	5.0	128	8.7
	Hispanic	903	13.8	778	86.2	22	2.4	103	11.4
	Asian	525	15.0	446	85.0	22	4.2	57	10.9
	Other/ Unknown	5	20.0	4	80.0	0	0.0	1	20.0
<b>Judicial District</b>	First	2,192	13.2	1,903	86.8	57	2.6	232	10.6
	Second	1,784	15.4	1,510	84.6	33	1.8	241	13.5
	Third	1,344	15.8	1,131	84.2	53	3.9	160	11.9
	Fourth	3,341	16.8	2,780	83.2	72	2.2	489	14.6
	Fifth	1,075	17.3	889	82.7	41	3.8	145	13.5
	Sixth	862	19.0	698	81.0	40	4.6	124	14.4
	Seventh	1,689	12.6	1,477	87.4	58	3.4	154	9.1
	Eighth	432	13.4	374	86.6	30	6.9	28	6.5
	Ninth	1,688	14.6	1,442	85.4	80	4.7	166	9.8
	Tenth	2,520	13.4	2,183	86.6	68	2.7	269	10.7
<b>Total</b>		<b>16,927</b>	<b>15.0</b>	<b>14,387</b>	<b>85.0</b>	<b>532</b>	<b>3.1</b>	<b>2,008</b>	<b>11.9</b>

**Table 19. Dispositional Departures for Presumptive Stays and Presumptive Commits  
by Gender, Race/Ethnicity, and Judicial District, 2016**

		Total Cases	Presumptive Stays			Presumptive Commits		
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure	
				Number	Rate		Number	Rate
<b>Gender</b>	Male	13,702	8,674	409	4.7	5,028	1,698	33.8
	Female	3,225	2,657	123	4.6	568	310	54.6
<b>Race/ Ethnicity</b>	White	9,813	6,989	335	4.8	2,824	1,083	38.3
	Black	4,209	2,366	79	3.3	1,843	636	34.5
	American Indian	1,472	1,044	74	7.1	428	128	29.9
	Hispanic	903	549	22	4.0	354	103	29.1
	Asian	525	379	22	5.8	146	57	39.0
	Other/Unknown	5	4	0	0.0	1	1	100.0
<b>Judicial District</b>	First	2,192	1,597	57	3.6	595	232	39.0
	Second	1,784	1,091	33	3.0	693	241	34.8
	Third	1,344	920	53	5.8	424	160	37.7
	Fourth	3,341	1,978	72	3.6	1,363	489	35.9
	Fifth	1,075	751	41	5.5	324	145	44.8
	Sixth	862	592	40	6.8	270	124	45.9
	Seventh	1,689	1,125	58	5.2	564	154	27.3
	Eighth	432	311	30	9.6	121	28	23.1
	Ninth	1,688	1,197	80	6.7	491	166	33.8
	Tenth	2,520	1,769	68	3.8	751	269	35.8
<b>Total</b>		<b>16,927</b>	<b>11,331</b>	<b>532</b>	<b>4.7</b>	<b>5,596</b>	<b>2,008</b>	<b>35.9</b>



Table 20. Durational Departures, 1981-2016

Year	Total Cases	Total Dur. Dep. Rate	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			No.	Rate	No.	Rate	No.	Rate
2016	16,927	13.3	14,669	86.7	218	1.3	2,040	12.1
2015	16,763	13.9	14,438	86.1	275	1.6	2,050	12.2
2014	16,145	14.4	13,820	85.6	239	1.5	2,086	12.9
2013	15,318	15.1	13,008	84.9	203	1.3	2,107	13.8
2012	15,207	15.1	12,910	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	16,167	11.8	14,262	88.2	319	2.0	1,587	9.8
2006	16,443	12.2	14,447	87.8	349	2.1	1,650	10.0
2005	15,460	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	12,977	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 21. Durational Departures by Gender, Race, and Judicial District, 2016

		Total Cases	Total Dur. Dep. Rate	All Cases, by Durational Departure Type					
				No Departure		Aggravated		Mitigated	
				No.	Rate	No.	Rate	No.	Rate
Gender	Male	13,702	14.0	11,780	86.0	191	1.4	1,731	12.6
	Female	3,225	10.4	2,889	89.6	27	0.8	309	9.6
Race/ Ethnicity	White	9,813	11.0	8729	89.0	99	1.0	985	10.0
	Black	4,209	19.6	3382	80.4	72	1.7	755	17.9
	American Indian	1,472	9.5	1,332	90.5	21	1.4	119	8.1
	Hispanic	903	13.4	782	86.6	18	2.0	103	11.4
	Asian	525	16.2	440	83.8	8	1.5	77	14.7
	Other/ Unknown	5	20.0	4	80.0	0	0.0	1	20.0
Judicial District	First	2,192	15.3	1,857	84.7	31	1.4	304	13.9
	Second	1,784	16.4	1,492	83.6	18	1.0	274	15.4
	Third	1,344	6.0	1,264	94.0	14	1.0	66	4.9
	Fourth	3,341	26.8	2,445	73.2	74	2.2	822	24.6
	Fifth	1,075	10.0	967	90.0	9	0.8	99	9.2
	Sixth	862	6.3	808	93.7	10	1.2	44	5.1
	Seventh	1,689	8.8	1,541	91.2	12	0.7	136	8.1
	Eighth	432	5.1	410	94.9	1	0.2	21	4.9
	Ninth	1,688	6.3	1,581	93.7	18	1.1	89	5.3
	Tenth	2,520	8.6	2,304	91.4	31	1.2	185	7.3
Total		16,927	13.3	14,669	86.7	218	1.3	2,040	12.1

**Table 22. Durational Departures by Gender, Race/Ethnicity, and Judicial District, Executed Prison Sentences Only, 2016**

		Number Executed Prison	Durational Departures, Executed Prison Sentences Only						
			Total Dur. Dep. Rate	No Departure		Aggravated		Mitigated	
				No.	Rate	No.	Rate	No.	Rate
<b>Gender</b>	Male	3,894	27.0	2,842	73.0	112	2.9	940	24.1
	Female	414	20.8	328	79.2	7	1.7	79	19.1
<b>Race/ Ethnicity</b>	White	2,193	21.7	1718	78.3	47	2.1	428	19.5
	Black	1,315	36.5	835	63.5	39	3.0	441	33.5
	American Indian	394	19.0	319	81.0	16	4.1	59	15.0
	Hispanic	285	22.5	221	77.5	12	4.2	52	18.2
	Asian	121	36.4	77	63.6	5	4.1	39	32.2
	Other/ Unknown	0	---	---	---	---	---	---	---
<b>Judicial District</b>	First	442	20.4	352	79.6	17	3.8	73	16.5
	Second	512	39.3	311	60.7	9	1.8	192	37.5
	Third	331	12.7	289	87.3	10	3.0	32	9.7
	Fourth	970	51.3	472	48.7	37	3.8	461	47.5
	Fifth	234	23.5	179	76.5	4	1.7	51	21.8
	Sixth	187	15.5	158	84.5	7	3.7	22	11.8
	Seventh	494	17.4	408	82.6	9	1.8	77	15.6
	Eighth	129	6.2	121	93.8	0	0.0	8	6.2
	Ninth	434	11.3	385	88.7	11	2.5	38	8.8
	Tenth	575	13.9	495	86.1	15	2.6	65	11.3
<b>Total</b>		<b>4,308</b>	<b>26.4</b>	<b>3,170</b>	<b>73.6</b>	<b>119</b>	<b>2.8</b>	<b>1,019</b>	<b>23.7</b>

## County Tables

Table 23. Number of Offenders Sentenced and Incarceration Rates by County, 2016

County	Number of Offenders Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2015	2016	Percent Change	Number	Rate	Number	Rate	Number	Rate
Aitkin	95	92	-3.2	34	37	47	51	81	88
Anoka	851	926	8.8	216	23	653	71	869	94
Becker	176	178	1.1	60	34	117	66	177	99
Beltrami	253	256	1.2	49	19	197	77	246	96
Benton	127	131	3.1	34	26	95	73	129	98
Big Stone	7	7	0.0	0	0	7	100	7	100
Blue Earth	292	362	24.0	79	22	256	71	335	93
Brown	55	76	38.2	17	22	52	68	69	91
Carlton	137	130	-5.1	31	24	95	73	126	97
Carver	135	173	28.1	34	20	112	65	146	84
Cass	167	173	3.6	43	25	110	64	153	88
Chippewa	37	47	27.0	14	30	32	68	46	98
Chisago	154	158	2.6	30	19	122	77	152	96
Clay	236	212	-10.2	54	25	155	73	209	99
Clearwater	33	32	-3.0	12	38	20	63	32	100
Cook	16	5	-68.8	0	0	5	100	5	100
Cottonwood	49	46	-6.1	18	39	19	41	37	80
Crow Wing	287	226	-21.3	52	23	92	41	144	64
Dakota	1,139	1,210	6.2	244	20	900	74	1,144	95
Dodge	51	37	-27.5	13	35	21	57	34	92
Douglas	95	93	-2.1	22	24	70	75	92	99
Faribault	47	58	23.4	6	10	49	84	55	95
Fillmore	29	29	0.0	10	34	17	59	27	93
Freeborn	122	113	-7.4	17	15	91	81	108	96
Goodhue	162	180	11.1	27	15	147	82	174	97
Grant	10	4	-60.0	0	0	4	100	4	100
Hennepin	3,240	3,341	3.1	970	29	2,012	60	2,982	89
Houston	42	34	-19.0	4	12	26	76	30	88
Hubbard	97	90	-7.2	17	19	70	78	87	97
Isanti	135	107	-20.7	22	21	82	77	104	97
Itasca	198	248	25.3	74	30	150	60	224	90

County	Number of Offenders Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2015	2016	Percent Change	Number	Rate	Number	Rate	Number	Rate
Jackson	31	21	-32.3	5	24	12	57	17	81
Kanabec	62	54	-12.9	8	15	45	83	53	98
Kandiyohi	144	142	-1.4	40	28	100	70	140	99
Kittson	6	2	-66.7	0	0	2	100	2	100
Koochiching	50	49	-2.0	5	10	29	59	34	69
Lac Qui Parle	6	11	83.3	2	18	7	64	9	82
Lake	32	25	-21.9	5	20	16	64	21	84
Lake of the Woods	10	19	90.0	4	21	11	58	15	79
Le Sueur	59	68	15.3	21	31	36	53	57	84
Lincoln	8	6	-25.0	2	33	4	67	6	100
Lyon	72	69	-4.2	16	23	43	62	59	86
McLeod	99	97	-2.0	16	16	74	76	90	93
Mahnomen	117	107	-8.5	15	14	79	74	94	88
Marshall	19	22	15.8	9	41	6	27	15	68
Martin	83	106	27.7	21	20	82	77	103	97
Meeker	56	48	-14.3	14	29	32	67	46	96
Mille Lacs	106	160	50.9	52	33	102	64	154	96
Morrison	104	105	1.0	33	31	70	67	103	98
Mower	171	169	-1.2	50	30	68	40	118	70
Murray	12	20	66.7	0	0	17	85	17	85
Nicollet	47	61	29.8	15	25	38	62	53	87
Nobles	64	92	43.8	23	25	61	66	84	91
Norman	35	26	-25.7	7	27	12	46	19	73
Olmsted	437	476	8.9	142	30	290	61	432	91
Otter Tail	161	166	3.1	33	20	107	64	140	84
Pennington	75	69	-8.0	23	33	25	36	48	70
Pine	168	193	14.9	63	33	124	64	187	97
Pipestone	17	20	17.6	2	10	16	80	18	90
Polk	196	213	8.7	84	39	109	51	193	91
Pope	17	9	-47.1	3	33	6	67	9	100
Ramsey	2,055	1,784	-13.2	512	29	1,257	70	1,769	99
Red Lake	13	10	-23.1	1	10	5	50	6	60
Redwood	91	80	-12.1	14	18	62	78	76	95
Renville	48	55	14.6	13	24	35	64	48	87

County	Number of Offenders Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2015	2016	Percent Change	Number	Rate	Number	Rate	Number	Rate
Rice	130	124	-4.6	31	25	90	73	121	98
Rock	9	7	-22.2	2	29	5	71	7	100
Roseau	45	54	20.0	5	9	40	74	45	83
St. Louis	734	702	-4.4	150	21	465	66	615	88
Scott	411	422	2.7	92	22	273	65	365	86
Sherburne	223	262	17.5	60	23	192	73	252	96
Sibley	44	42	-4.5	8	19	31	74	39	93
Stearns	583	545	-6.5	178	33	357	66	535	98
Steele	124	127	2.4	33	26	81	64	114	90
Stevens	18	13	-27.8	4	31	8	62	12	92
Swift	21	25	19.0	9	36	16	64	25	100
Todd	51	49	-3.9	11	22	37	76	48	98
Traverse	8	12	50.0	5	42	7	58	12	100
Wabasha	59	55	-6.8	8	15	35	64	43	78
Wadena	52	50	-3.8	17	34	31	62	48	96
Waseca	56	47	-16.1	7	15	24	51	31	66
Washington	507	528	4.1	112	21	402	76	514	97
Watonwan	41	51	24.4	14	27	33	65	47	92
Wilkin	12	10	-16.7	3	30	6	60	9	90
Winona	160	133	-16.9	16	12	87	65	103	77
Wright	279	292	4.7	64	22	215	74	279	96
Yellow Medicine	51	49	-3.9	19	39	29	59	48	98
Total	16,763	16,927	1.0	4,304	25	11,271	67	15,575	92

**Table 24. Dispositional Departure Rates by County,  
All Cases, Presumptive Stays, and Presumptive Commits, 2016**

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate		Number	Rate		Number	Rate
Aitkin	92	71	77.2	58	10	17.2	34	11	32.4
Anoka	926	792	85.5	648	32	4.9	278	102	36.7
Becker	178	161	90.4	117	6	5.1	61	11	18.0
Beltrami	256	229	89.5	192	4	2.1	64	23	35.9
Benton	131	123	93.9	95	2	2.1	36	6	16.7
Big Stone	7	4	57.1	4	0	0.0	3	3	100.0
Blue Earth	362	299	82.6	248	12	4.8	114	51	44.7
Brown	76	61	80.3	49	2	4.1	27	13	48.1
Carlton	130	106	81.5	91	8	8.8	39	16	41.0
Carver	173	148	85.5	125	5	4.0	48	20	41.7
Cass	173	154	89.0	133	10	7.5	40	9	22.5
Chippewa	47	41	87.2	40	6	15.0	7	0	0.0
Chisago	158	129	81.6	108	4	3.7	50	25	50.0
Clay	212	193	91.0	148	3	2.0	64	16	25.0
Clearwater	32	31	96.9	19	0	0.0	13	1	7.7
Cook	5	5	100.0	4	0	0.0	1	0	0.0
Cottonwood	46	36	78.3	25	3	12.0	21	7	33.3
Crow Wing	226	190	84.1	161	9	5.6	65	27	41.5
Dakota	1,210	1074	88.8	879	22	2.5	331	114	34.4
Dodge	37	33	89.2	28	4	14.3	9	0	0.0
Douglas	93	88	94.6	76	4	5.3	17	1	5.9
Faribault	58	50	86.2	45	0	0.0	13	8	61.5
Fillmore	29	23	79.3	18	2	11.1	11	4	36.4
Freeborn	113	102	90.3	92	3	3.3	21	8	38.1

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate		Number	Rate		Number	Rate
Goodhue	180	134	74.4	117	4	3.4	63	42	66.7
Grant	4	4	100.0	4	0	0.0	0	0	0.0
Hennepin	3,341	2,780	83.2	1,978	72	3.6	1,363	489	35.9
Houston	34	32	94.1	31	1	3.2	3	1	33.3
Hubbard	90	87	96.7	73	1	1.4	17	2	11.8
Isanti	107	83	77.6	71	5	7.0	36	19	52.8
Itasca	248	174	70.2	158	26	16.5	90	48	53.3
Jackson	21	17	81.0	14	1	7.1	7	3	42.9
Kanabec	54	41	75.9	39	3	7.7	15	10	66.7
Kandiyohi	142	125	88.0	105	10	9.5	37	7	18.9
Kittson	2	2	100.0	2	0	0.0	0	0	0.0
Koochiching	49	42	85.7	39	1	2.6	10	6	60.0
Lac Qui Parle	11	11	100.0	9	0	0.0	2	0	0.0
Lake	25	17	68.0	16	2	12.5	9	6	66.7
Lake of the Woods	19	11	57.9	11	2	18.2	8	6	75.0
Le Sueur	68	57	83.8	42	3	7.1	26	8	30.8
Lincoln	6	2	33.3	2	1	50.0	4	3	75.0
Lyon	69	58	84.1	42	0	0.0	27	11	40.7
McLeod	97	83	85.6	75	4	5.3	22	10	45.5
Mahnomen	107	99	92.5	89	2	2.2	18	6	33.3
Marshall	22	19	86.4	12	1	8.3	10	2	20.0
Martin	106	80	75.5	75	7	9.3	31	19	61.3
Meeker	48	42	87.5	33	2	6.1	15	4	26.7
Mille Lacs	160	131	81.9	99	8	8.1	61	21	34.4
Morrison	105	92	87.6	73	6	8.2	32	7	21.9



County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate		Number	Rate		Number	Rate
Mower	169	150	88.8	123	9	7.3	46	10	21.7
Murray	20	18	90.0	18	0	0.0	2	2	100.0
Nicollet	61	47	77.0	38	1	2.6	23	13	56.5
Nobles	92	79	85.9	68	6	8.8	24	7	29.2
Norman	26	23	88.5	17	0	0.0	9	3	33.3
Olmsted	476	390	81.9	280	14	5.0	196	72	36.7
Otter Tail	166	143	86.1	117	3	2.6	49	20	40.8
Pennington	69	67	97.1	47	1	2.1	22	1	4.5
Pine	193	173	89.6	125	7	5.6	68	13	19.1
Pipestone	20	18	90.0	18	1	5.6	2	1	50.0
Polk	213	189	88.7	132	10	7.6	81	14	17.3
Pope	9	7	77.8	6	1	16.7	3	1	33.3
Ramsey	1,784	1,510	84.6	1,091	33	3.0	693	241	34.8
Red Lake	10	7	70.0	6	0	0.0	4	3	75.0
Redwood	80	74	92.5	64	2	3.1	16	4	25.0
Renville	55	44	80.0	37	3	8.1	18	8	44.4
Rice	124	101	81.5	77	3	3.9	47	20	42.6
Rock	7	5	71.4	7	2	28.6	0	0	0.0
Roseau	54	47	87.0	48	3	6.3	6	4	66.7
St. Louis	702	570	81.2	481	30	6.2	221	102	46.2
Scott	422	373	88.4	327	17	5.2	95	32	33.7
Sherburne	262	236	90.1	187	4	2.1	75	22	29.3
Sibley	42	34	81.0	32	2	6.3	10	6	60.0
Stearns	545	461	84.6	337	24	7.1	208	60	28.8
Steele	127	111	87.4	89	5	5.6	38	11	28.9
Stevens	13	11	84.6	11	2	18.2	2	0	0.0

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate		Number	Rate		Number	Rate
Swift	25	22	88.0	18	2	11.1	7	1	14.3
Todd	49	44	89.8	38	2	5.3	11	3	27.3
Traverse	12	10	83.3	9	2	22.2	3	0	0.0
Wabasha	55	45	81.8	42	2	4.8	13	8	61.5
Wadena	50	41	82.0	25	0	0.0	25	9	36.0
Waseca	47	39	83.0	36	2	5.6	11	6	54.5
Washington	528	474	89.8	387	9	2.3	141	45	31.9
Watonwan	51	45	88.2	38	3	7.9	13	3	23.1
Wilkin	10	8	80.0	7	1	14.3	3	1	33.3
Winona	133	105	78.9	104	8	7.7	29	20	69.0
Wright	292	255	87.3	204	4	2.0	88	33	37.5
Yellow Medicine	49	45	91.8	28	1	3.6	21	3	14.3
<b>Total</b>	<b>16,927</b>	<b>14,387</b>	<b>85.0</b>	<b>11,331</b>	<b>532</b>	<b>4.7</b>	<b>5,596</b>	<b>2,008</b>	<b>35.9</b>

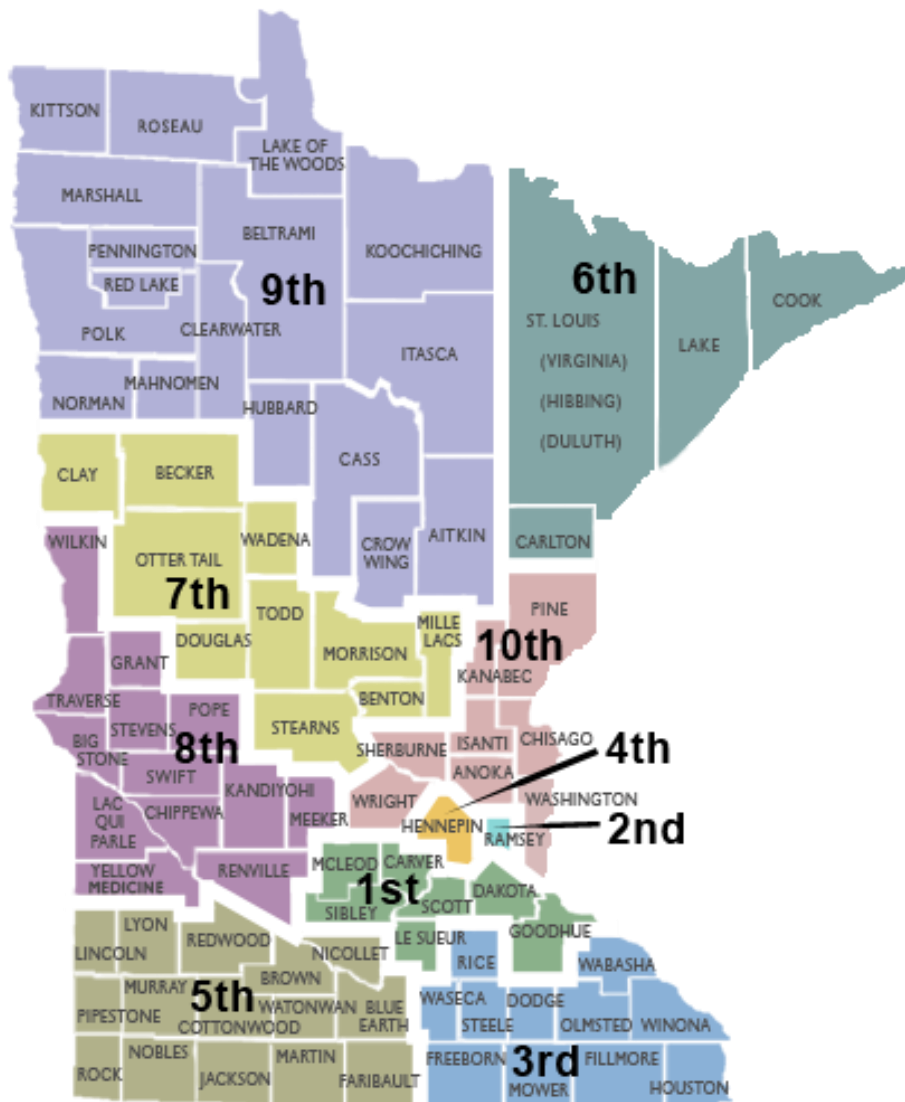
Table 25. Durational Departures by County, Executed Prison Sentences Only, 2016

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate	Number	Rate	Number	Rate
Aitkin	34	32	94	0	0	2	6
Anoka	216	195	90	5	2	16	7
Becker	60	59	98	1	2	0	0
Beltrami	49	41	84	6	12	2	4
Benton	34	31	91	3	9	0	0
Big Stone	0	---	---	---	---	---	---
Blue Earth	79	67	85	1	1	11	14
Brown	17	13	76	0	0	4	24
Carlton	31	21	68	0	0	10	32
Carver	34	28	82	2	6	4	12
Cass	43	39	91	0	0	4	9
Chippewa	14	13	93	0	0	1	7
Chisago	30	26	87	1	3	3	10
Clay	54	51	94	0	0	3	6
Clearwater	12	11	92	0	0	1	8
Cook	1	1	100	0	0	0	0
Cottonwood	18	13	72	1	6	4	22
Crow Wing	52	47	90	1	2	4	8
Dakota	244	183	75	9	4	52	21
Dodge	13	12	92	0	0	1	8
Douglas	22	22	100	0	0	0	0
Faribault	6	5	83	0	0	1	17
Fillmore	10	8	80	0	0	2	20
Freeborn	17	16	94	0	0	1	6
Goodhue	27	21	78	2	7	4	15
Grant	0	---	---	---	---	---	---
Hennepin	970	472	49	37	4	461	48
Houston	4	4	100	0	0	0	0
Hubbard	17	16	94	0	0	1	6
Isanti	22	20	91	0	0	2	9
Itasca	74	60	81	1	1	13	18
Jackson	5	1	20	0	0	4	80
Kanabec	8	7	88	0	0	1	13
Kandiyohi	41	40	98	0	0	1	2
Kittson	0	---	---	---	---	---	---
Koochiching	41	40	98	0	0	1	2

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate	Number	Rate	Number	Rate
Lac Qui Parle	5	5	100	0	0	0	0
Lake	2	2	100	0	0	0	0
Lake of the Woods	5	4	80	1	20	0	0
Le Sueur	4	3	75	0	0	1	25
Lincoln	21	19	90	2	10	0	0
Lyon	2	2	100	0	0	0	0
McLeod	16	13	81	0	0	3	19
Mahnomen	16	12	75	0	0	4	25
Marshall	15	13	87	0	0	2	13
Martin	9	9	100	0	0	0	0
Meeker	21	6	29	1	5	14	67
Mille Lacs	14	13	93	0	0	1	7
Morrison	52	45	87	2	4	5	10
Mower	33	22	67	0	0	11	33
Murray	0	---	---	---	---	---	---
Nicollet	15	11	73	1	7	3	20
Nobles	23	20	87	0	0	3	13
Norman	7	7	100	0	0	0	0
Olmsted	142	120	85	4	3	18	13
Otter Tail	33	30	91	0	0	3	9
Pennington	23	21	91	0	0	2	9
Pine	63	50	79	3	5	10	16
Pipestone	2	2	100	0	0	0	0
Polk	84	75	89	3	4	6	7
Pope	3	3	100	0	0	0	0
Ramsey	512	311	61	9	2	192	38
Red Lake	1	1	100	0	0	0	0
Redwood	14	14	100	0	0	0	0
Renville	13	12	92	0	0	1	8
Rice	31	29	94	0	0	2	6
Rock	2	2	100	0	0	0	0
Roseau	5	5	100	0	0	0	0
St. Louis	150	132	88	6	4	12	8
Scott	92	82	89	2	2	8	9
Sherburne	60	53	88	0	0	7	12
Sibley	8	7	88	0	0	1	13

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate	Number	Rate	Number	Rate
Stearns	178	124	70	3	2	51	29
Steele	33	29	88	3	9	1	3
Stevens	4	4	100	0	0	0	0
Swift	9	8	89	0	0	1	11
Todd	11	10	91	0	0	1	9
Traverse	5	5	100	0	0	0	0
Wabasha	8	8	100	0	0	0	0
Wadena	17	14	82	0	0	3	18
Waseca	7	4	57	1	14	2	29
Washington	112	89	79	5	4	18	16
Watonwan	14	10	71	0	0	4	29
Wilkin	3	1	33	0	0	2	67
Winona	16	15	94	0	0	1	6
Wright	64	55	86	1	2	8	13
Yellow Medicine	21	20	95	0	0	1	5
<b>Total</b>	<b>4,308</b>	<b>3,170</b>	<b>74</b>	<b>119</b>	<b>3</b>	<b>1,019</b>	<b>24</b>

## Minnesota Judicial District Map



### First

Carver  
Dakota  
Goodhue  
LeSueur  
McLeod  
Scott  
Sibley

### Second

Ramsey

### Third

Dodge  
Fillmore  
Freeborn  
Houston  
Mower  
Olmsted  
Rice  
Steele  
Wabasha  
Waseca  
Winona

### Fourth

Hennepin

### Fifth

Blue Earth  
Brown  
Cottonwood  
Faribault  
Jackson  
Lincoln  
Lyon  
Martin  
Murray  
Nicollet  
Nobles  
Pipestone  
Redwood  
Rock  
Watonwan

### Sixth

Carlton  
Cook  
Lake  
St. Louis

### Seventh

Becker  
Benton  
Clay  
Douglas  
Mille Lacs  
Morrison  
Otter Tail  
Stearns  
Todd  
Wadena

### Eighth

Big Stone  
Chippewa  
Grant  
Kandiyohi  
LacQuiParle  
Meeker  
Pope  
Renville  
Stevens  
Swift  
Traverse  
Wilkin  
Yellow Medicine

### Ninth

Aitkin  
Beltrami  
Cass  
Clearwater  
Crow Wing  
Hubbard  
Itasca  
Kittson  
Koochiching  
Lake-Woods  
Mahnomen  
Marshall  
Norman  
Pennington  
Polk  
Red Lake  
Roseau

### Tenth

Anoka  
Chisago  
Isanti  
Kanabec  
Pine  
Sherburne  
Washington  
Wright

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

## Sentencing Guidelines Grid

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 <i>italics</i> )		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree</i> ( <i>intentional murder; drive-by-shootings</i> )	<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> ( <i>unintentional murder</i> )	<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>	<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>Burglary, 1st Degree (w/</i> <i>Weapon or Assault)</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; Financial Exploitation</i> <i>of a Vulnerable Adult</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, 3</sup>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied</i> <i>Dwelling)</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>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	<b>1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

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



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 section 2.E, 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. See sections 2.C and 2.E.

<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. See section 2.C.1-2.

<sup>3</sup> The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

## Sex Offender Grid

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
<i>CSC 1<sup>st</sup> Degree</i>	<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>
<i>CSC 2<sup>nd</sup> Degree—(c)(d)(e)(f)(h) Prostitution; Sex Trafficking</i> <sup>3</sup> <i>1<sup>st</sup> Degree—1(a)</i>	<b>B</b>	90 <i>90<sup>3</sup>-108</i>	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>
<i>CSC 3<sup>rd</sup> Degree—(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking</i> <i>2<sup>nd</sup> Degree—1a</i>	<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>
<i>CSC 2<sup>nd</sup> Degree—(a)(b)(g) CSC 3<sup>rd</sup> Degree—(a)(e)(f) or(b)with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)</i>	<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>
<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</i> <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>
<i>CSC 4<sup>th</sup> Degree—(a)(b)(e)(f); CSC 5<sup>th</sup> Degree; Possession of Child Pornography (Subsequent or by Predatory Offender)</i>	<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>
<i>CSC 3<sup>rd</sup> Degree—(b) with subd. 2(2); Indecent Exposure Possession of Child Pornography; Solicit Child for Sexual Conduct</i> <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>
<i>Registration Of Predatory Offenders</i>	<b>H</b>	12 <sup>1</sup> <i>12<sup>1</sup>-14</i>	14 <i>12<sup>1</sup>-16</i>	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>

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



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 section 2.E, 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. See sections 2.C and 2.E.

<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. See section 2.C.1-2.

<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.)



## Drug Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denotes range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subjected 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>Aggravated Controlled Substance Crime, 1st Degree</i> <i>Manufacture of Any Amt. Meth</i>	<b>D9</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>Controlled Substance Crime, 1st Degree</i>	<b>D8</b>	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	<b>D7</b>	48	58	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>Controlled Substance Crime, 3rd Degree</i> <i>Failure to Affix Stamp</i>	<b>D6</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>Possess Substances with Intent to Manufacture Meth</i>	<b>D5</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>Controlled Substance Crime, 4th Degree</i>	<b>D4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	<b>D3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	<b>D2</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>D1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

\* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

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



Presumptive commitment to state imprisonment.



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. See sections 2.C and 2.E.