



2017 Sentencing Practices

Annual Summary Statistics for Felony Offenders
Sentenced in 2017

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MINNESOTA

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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.

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Background Information

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

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

The system is intended to ensure that offenders convicted of serious crimes, 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 H¹ 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							

¹ Failure to register as a predatory offender, which carries a mandatory minimum prison sentence (Minn. Stat. § [243.166](#)), is ranked alone at severity level H. The recommended Guidelines disposition for severity level H is therefore 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., county 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 21.)

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: <https://mn.gov/sentencing-guidelines>.

Changes to the Sentencing Grid 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 2017 legislation² impacted felony sentencing:

- New crimes Use of Automated Sales Suppression Devices, which is codified under the existing offense of Tax Evasion Laws, and Damage to Property – Public Safety Motor Vehicle, were assigned a severity level of 3.
- New crime of Impersonating a Peace Officer was assigned a severity level of 2.

² 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 2017

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 and Distribution

In 2017, 18,288 felony offenders were sentenced. This was the highest volume on record, surpassing the previous record set in 2016. The number of felony offenders sentenced increased eight percent (1,361 cases) from 2016, the largest year-to-year increase since 2003. Increases in property offenses (up 10.4%) and person offenses (up 7.8%) accounted for most of these additional cases, although each of the other non-drug offense categories grew by more than ten percent.

As a category, drug offenses experienced the smallest percentage increase (up 3.6%) from 2016 to 2017. By contrast, in the seven years from 2010 to 2017, the number of drug offenses grew by 71 percent, accounting for most of the 27-percent overall growth in felony offenders sentenced over those seven years.

The “weapon”³ category also grew by 71 percent from 2010 to 2017. 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 435 offenders in 2017—an 86 percent increase. Person offenses grew by 14 percent during these seven years, while property offenses had the smallest growth rate, at twelve percent. Non-CSC sex offenses⁴ grew by 22 percent, and “other”⁵ offenses grew by 38 percent. The only offense category that showed a decline from 2010 to 2017 was felony driving while impaired (DWI), which fell by 15 percent.

The total volume of felony offenders sentenced over time is illustrated in Figure 1 (p. 7), and changes in growth rates overall and by offense category are illustrated in Figure 2 (p. 8) and Figure 3 (p. 9). In addition to the growth from 2010 to 2017, discussed above, significant growth also occurred between 2001 and 2006, when the total volume of felony offenders sentenced rose by 52 percent. That increase was also largely attributable to growth in the number of drug crimes sentenced, particularly methamphetamine cases, as well as the implementation of the felony DWI law.

According to Department of Public Safety data, the crime rate has fluctuated over time. Over the past decade, both the number of “index crimes” and the index crime rate have fallen in every year except 2012 and 2017. From 2016 to 2017, reports of “violent crimes” rose by 0.5 percent, reports of “property crimes” rose by 4.4 percent, and the population-adjusted index crime rate rose by 2.9 percent.⁶

³ “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.

⁴ “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).

⁵ “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.

⁶ “Index crimes” are comprised of “violent crimes” (Murder, Forcible Rape, Robbery, Aggravated Assault, Human Trafficking – Commercial Sex Acts, and Human Trafficking – Involuntary Servitude) and “property crimes” (Burglary, Larceny, Motor Vehicle Theft, and Arson). From 2016 to 2017, violent crimes rose from 13,407 to 13,476; property crimes rose from 117,534 to 122,698; and the index crime rate rose from 2372.2 to 2441.9 per 100,000 in population. 1995 to 2017 Uniform Crime Reports, State of Minnesota, Department of Public Safety, obtained September 2018 at <https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Pages/uniform-crime-reports.aspx>.

Figure 1. Number of Offenders Sentenced for Felony Convictions, 1981-2017

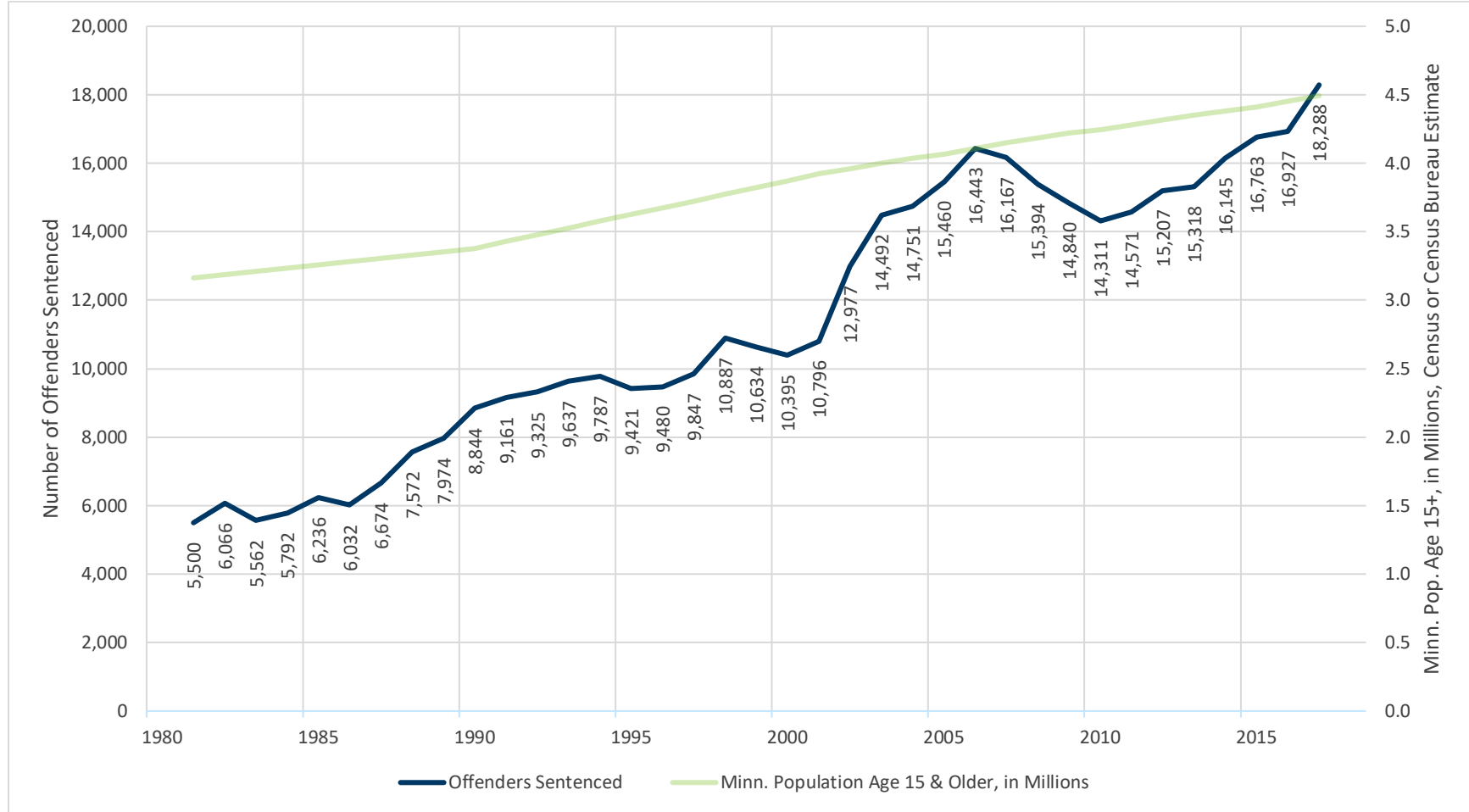
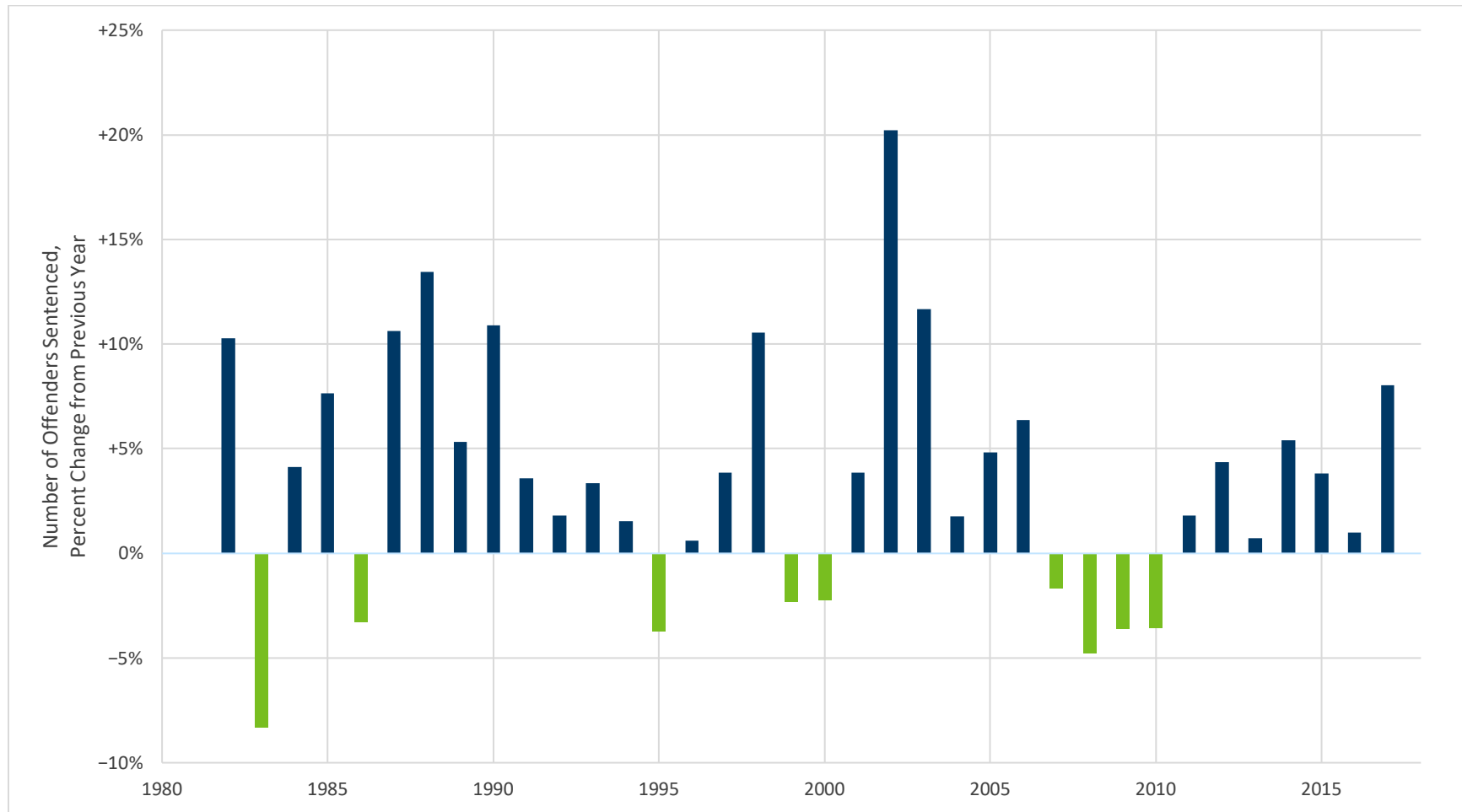


Figure 2. Percent Change in Number of Offenders Sentenced for Felony Convictions, 1982-2017



Changes in Case Volume by Offense Type

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

Figure 3. Offenders Sentenced, Percent Change from Previous Year, by Offense Type, 2001-2017

Year Sentenced	All Offenses	Person	Property	Drug	Felony DWI	Non-CSC Sex Offense ⁷	Weapon ⁸	Other ⁹
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%
2017	+8.0%	+7.8%	+10.4%	+3.6%	+20.0%	+16.9%	+11.2%	+13.2%

Person Offenses

Except for a slight decrease in 2013, the number of person offenses increased every year from 2001 to 2015. The number declined by 2.5 percent in 2016, and increased by 7.8 percent in 2017. Person offenses accounted for approximately 29 percent of total felony crimes sentenced in 2016 and 2017, a decrease from the peak years of 2010 to 2013, when they comprised 32 percent of the total (Figure 5, p. 13).

⁷ “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).

⁸ “Weapon” category includes: Possession of a firearm by a felon convicted of a crime of violence, discharge of firearm, and other weapon related offenses.

⁹ “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency. “Other” category also includes DWI before 2004 and non-CSC sex offenses and weapon offenses before 2010.

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 2017, 509 offenders were sentenced for CSC, up six percent from 2016, when 481 offenders were sentenced. The 2016 number was the lowest number since 1983. The number has fluctuated since 1981, peaking at 880 offenders in 1994 (42% more than were sentenced in 2017). 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 has been attributable to an increase in domestic assault-related offenses, including domestic assault, domestic assault by strangulation, and violations of restraining orders. This was, in part, due to 2006 legislative changes removing the requirement that a prior offense be against the same victim, expanding the look-back period to 10 years, and expanding the list of qualified priors.¹⁰ 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. In 2017, the number of offenders sentenced for domestic assault increased (5%) to 549 cases. The number sentenced for domestic assault by strangulation increased by 14 percent from 2016 (262) to 2017 (298) (Figure 4, p. 12).

The felony crime of violation of a domestic abuse no contact order (VDANCO) was created in 2007.¹¹ The number sentenced grew rapidly until 2011, and declined in 2012 and 2013. The number increased by 17 percent in 2014, by 13 percent in 2015, and by five percent in 2016, to 559 offenders sentenced, the highest ever observed. In 2017, the number fell slightly (down 1%), to 554 cases. The number of offenders sentenced for violations of harassment restraining orders (VHRO)¹² grew in 2017 (up 6%), as did the number sentenced for violations of orders for protection (VOFP) (up 4%). Combined, the total number of offenders sentenced for VDANCO, VHRO, and VOFPP grew by one percent between 2016 and 2017 (Figure 4, p. 12). For a more detailed discussion, see MSGC's Assaults and Violations of Harassment Restraining Orders data report at <http://mn.gov/sentencing-guidelines/reports>.

- *Other Assault Offenses*

After remaining nearly unchanged from 2014 to 2015, and dropping by seven percent from 2015 to 2016, the number of offenders sentenced for first- through (felony) fifth-degree assaults increased by 16 percent in 2017, to 1,095 offenders. Third- and fourth-degree assaults grew the most (up 27% for third-degree, and up 33% for fourth-degree). Felony fifth-degree assaults dropped by eleven percent.

¹⁰ [2006 Minn. Laws ch. 260](#), art. 1, §§ 12 & 19.

¹¹ [2007 Minn. Laws ch. 54](#), art. 2, § 1 (enhancing DANCO violations by repeat offenders to felony level).

¹² This offense is not necessarily related to domestic assault, as the victim need not be a relative of the perpetrator.

Drug Offenses

In 2016, drug offenses showed the highest percent growth of the offense categories (Figure 3, p. 9), and were almost a third of felony offenses sentenced (32%). In 2017, by contrast, drug offenses showed the lowest percent growth of the offense categories, with a 3.6 percent increase over 2016. Yet, drug offenses accounted for 31 percent of all felony offenses sentenced, and remained the largest offense category for the second year. For a more detailed discussion, see MSGC's Controlled Substance Offenses data report at <http://mn.gov/sentencing-guidelines/reports>.

Property Offenses

Property offenses sentenced increased by ten percent in 2017. Other than in 2012 (up 8.8%), 2014 (up 1.3%), and 2017 (up 10.4%), the property offense category declined in every year after 2006 (Figure 3, p. 9). As a share of all felony offenses sentenced, the property offense category fell from 30 percent in 2013 to 27 percent in 2017. Before 2003, property offenses had comprised over 40 percent of the cases sentenced (Table 6, p. 38).

Felony DWI

The number of felony DWI offenders sentenced peaked in 2004, at 860, and declined in most years since. The largest decrease (down 19%) was in 2013, when the number of offenders was 510. The number of cases increased by 29 percent in 2014 (to 656 offenders), decreased by 11 percent in 2015 (to 587 offenders); and decreased by 19 percent in 2016 (to 475 offenders). In 2017, the number increased by 20 percent (to 570 offenders), the highest percent increase of the offense categories. These sharp fluctuations (Figure 3, p. 9) may have been related to the timing of legal challenges to DWI laws and evidence-collection practices.

Non-CSC Sex Offenses

There was a 17 percent increase in the number of offenders in the non-CSC sex offense category (Figure 3, p. 9). Failure to register as a predatory offender went up (from 351 in 2016 to 443 in 2017) and child pornography went down (from 91 in 2016 to 81 in 2017).

Weapon Offenses

The number of weapon offenses sentenced increased eleven percent from 2016 to 2017 (Figure 3, p. 9). Ineligible felon in possession of firearm/ammunition increased by twelve percent (from 390 to 435).

Other Offenses

The number of offenders sentenced for those offenses in the "other" category—largely crimes against the government—increased by 13 percent. Fleeing a peace officer, the most frequently occurring offense in this category, increased from 520 in 2016 to 588 in 2017 (up 13%). Little change was seen in tax offenses (19 cases in 2016, 18 in 2017) and failure to appear in court (19 cases in 2016, 20 in 2017). In 2016, escape from custody increased by 28 percent (from 64 to 82 cases), and increased again in 2017 by 41 percent (to 116 cases).

Figure 4. Frequency of Assault and Restraining Order Offenses, 2002-2017

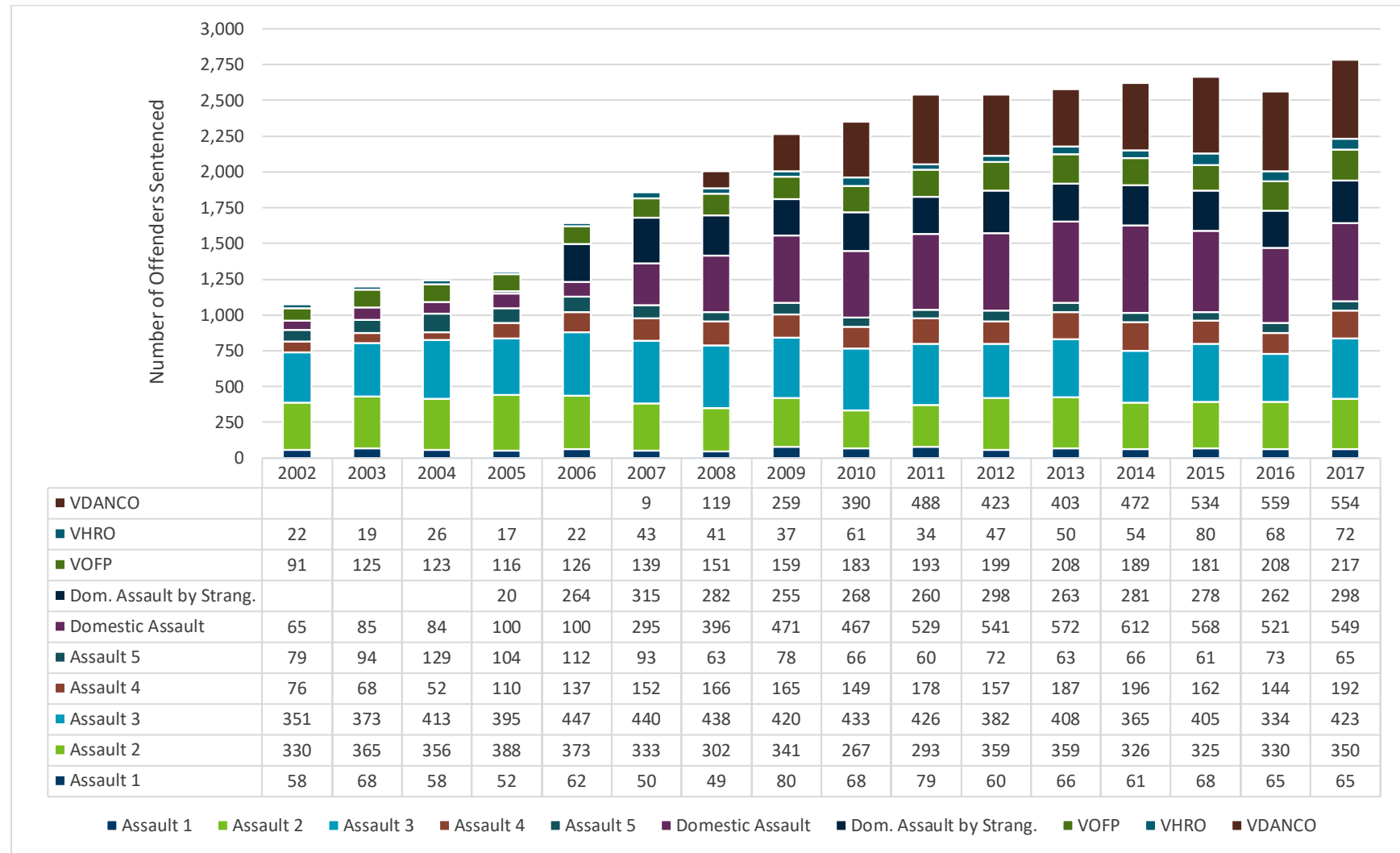
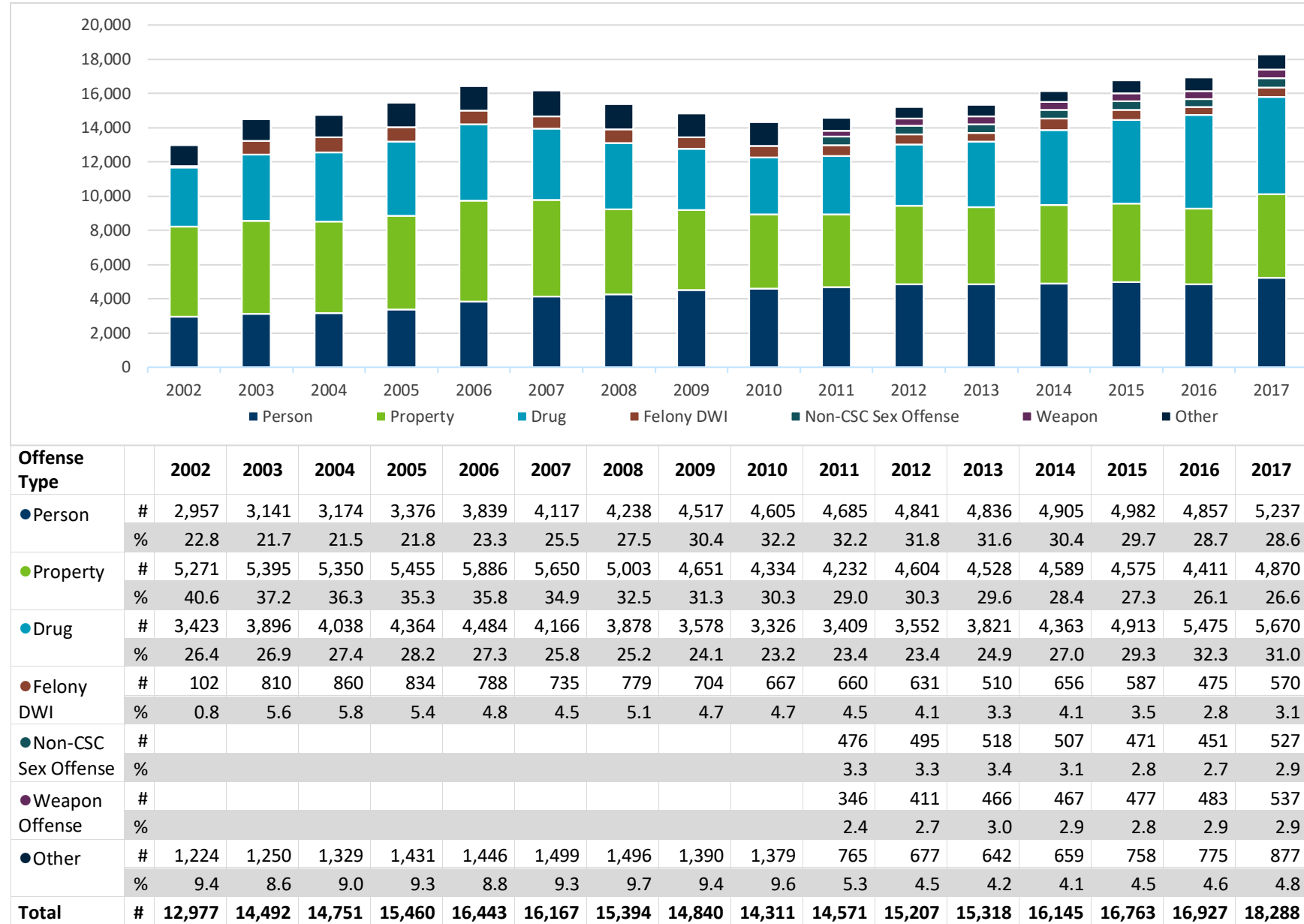


Figure 5. Number of Offenders Sentenced by Offense Type, 2002-2017



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, p. 36). In 2017, 80.4 percent of the offenders sentenced were male and 19.6 percent were female. Figure 6 shows the racial and ethnic composition of the felony offender population from 1981 through 2017. 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. From 2016 to 2017, the percentage of white offenders decreased, from 58.0 percent to 57.3 percent.

The percent of offenders who are black increased from 2016 to 2017, from 24.9 percent in 2016 to 25.5 percent. The percent who are American Indians increased, while the percent who are Hispanic remained similar to that seen in 2016. In 2017, the percent of offenders who are Asian decreased slightly from the high reached in 2016 of three percent.

Figure 7 (p. 15) displays the 2017 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 Table 5 (p. 36), Table 6 (p. 38), Table 7 (p. 40), Table 8 (p. 42), Table 9 (p. 46), Table 10 (p. 47), Table 11a (p. 50), Table 11b (p. 51), and Table 11c (p. 52). County-level information can be found in Table 23 (p. 67), Table 24 (p. 70), and Table 25 (p. 73). A map of the judicial districts can be found in Appendix 1 (p. 76).

Figure 6. Distribution of Offenders by Race/Ethnicity, 1981-2017

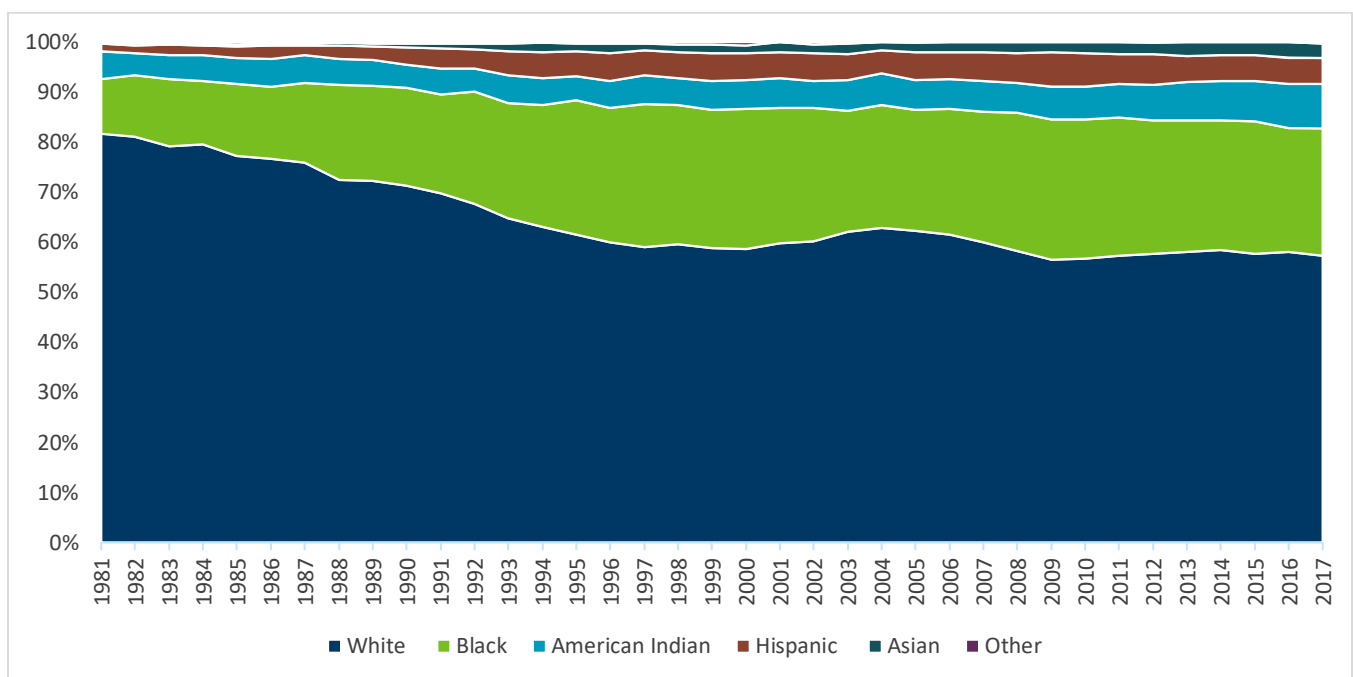
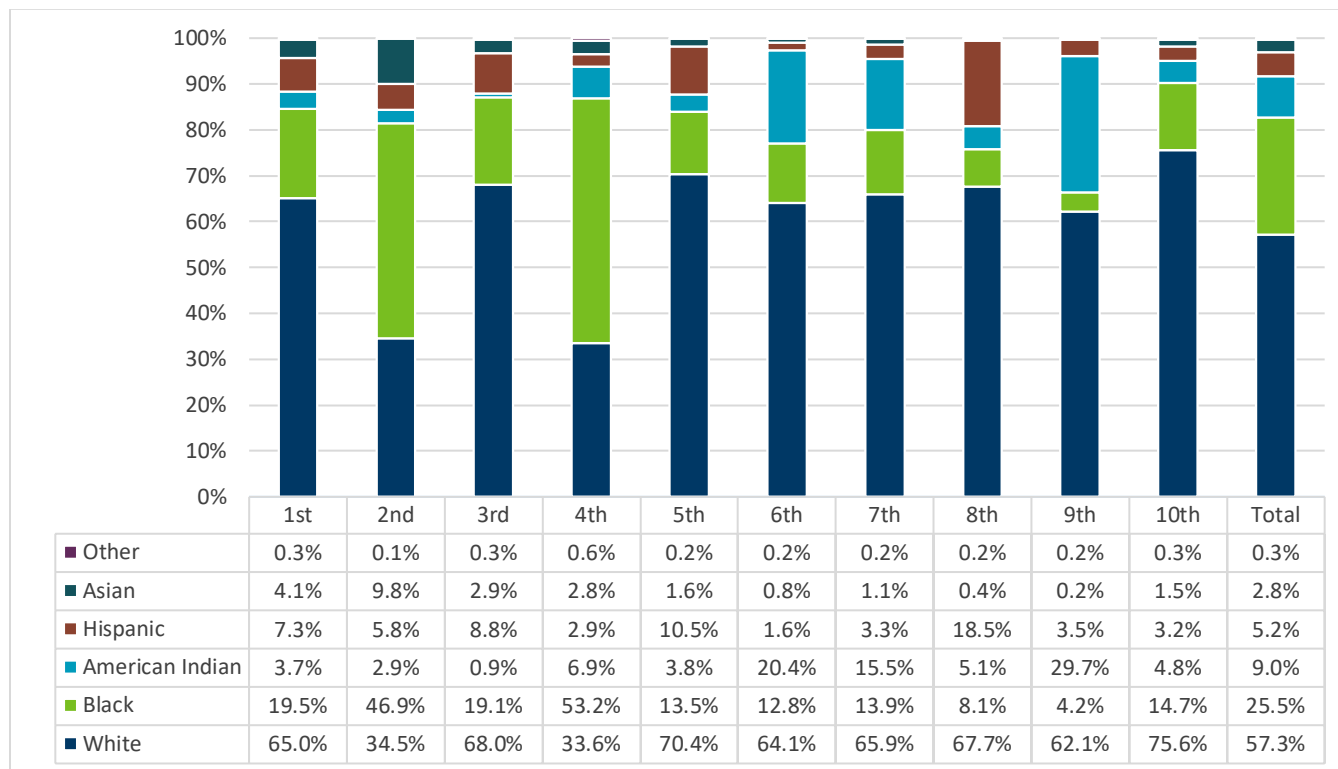


Figure 7. Distribution of Felony Offenders by Race and Judicial District, 2017



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 (i.e., county jail or workhouse).

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.¹³ 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

¹³ For general guidance, see Minnesota Sentencing Guidelines § 3.A.2.

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 county jail or workhouse, following conviction. Figure 8 (p. 17) shows the total incarceration rate, as well as the separate rates for prison and local confinement, from 1982 to 2017. The total incarceration rate in 1978 (pre-Guidelines) was 55.8 percent (20.4% incarcerated in state prison and 35.4% in local confinement). In 1981, the total incarceration rate was 61.2 percent (15% incarcerated in state prison and 46.2% in local 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 2017, 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 and 2017, the imprisonment rate declined to 25.4 percent and 24.3 percent, respectively. The total local confinement rate was 67.4 percent. Of the 13,841 who did not receive an executed prison sentence,¹⁴ 89 percent¹⁵ 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 2017, 32.5 percent of offenders were recommended a prison sentence, compared to the actual imprisonment rate of 24.3 percent. See Table 12 (p. 53), Table 13 (p. 55), and Table 14 (p. 57) for presumptive imprisonment rates over time by race, gender, and judicial district.

Incarceration by Race/Ethnicity and Judicial District

Table 1 (p. 18) provides total incarceration information for offenders sentenced in 2017. “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. Table 12 (p. 53), Table 13 (p. 55), and Table 14 (p. 57) display presumptive imprisonment rates.

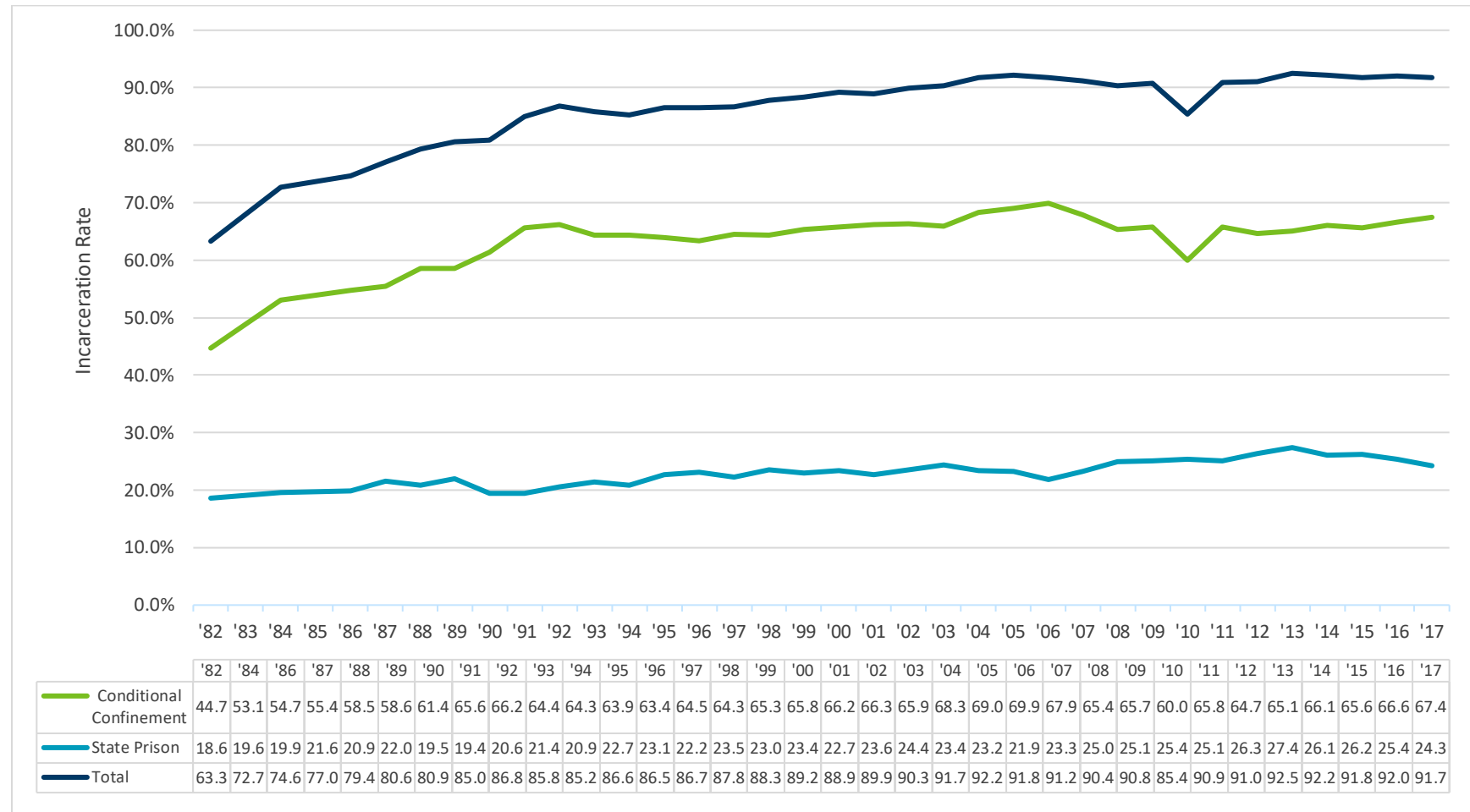
Race/Ethnicity

The total incarceration rate varies somewhat across racial groups (ranging from 90.8% for white offenders to 93.6% for Asian 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 (21.3%), and lowest presumptive (28.6%), imprisonment rates, whereas black offenders had the highest actual (29.7%), and highest presumptive (41.2%), imprisonment rates (Table 13, p. 55).

¹⁴ See Table 1. Total cases (18,288) – total receiving prison (4,447) = 13,841

¹⁵ See Table 1. Total receiving local confinement (12,317) ÷ # offenders not receiving prison (13,841) = .889.

Figure 8. Total Incarceration Rates, 1982, 1984, 1986-2017



Judicial District

Variation was also observed in incarceration rates by judicial district. The Second Judicial District (Ramsey County) had the highest total incarceration rate (98.5%) and the Ninth Judicial District (northwest Minnesota) had the lowest total incarceration rate (81.7%). Variation was also seen with respect to the separate rates for prison and local confinement. The Seventh Judicial District (west-central counties) had the highest imprisonment rate (27.9%), and the First Judicial District (southern metro counties) had the lowest imprisonment rate (20.3%). With regard to use of local confinement, the Tenth Judicial District had the highest rate (74%), and the Ninth Judicial District had the lowest rate (55.7%). See Appendix 1 (p. 76) for a map of Minnesota's ten judicial districts.

Historical information for incarceration rates can be found in Table 12 (p. 53), Table 13 (p. 55), Table 14 (p. 57), Table 15 (p. 59), Table 16 (p. 60), and Table 17 (p. 61). Additionally, Table 23 (p. 67) records incarceration rates by county.

Table 1. Total Incarceration Rates by Gender, Race/Ethnicity, and Judicial District, 2017

		Total Number	Total Incarceration		Local Confinement		State Prison		
			Number	Rate (%)	Number	Rate (%)	Number	2017 Rate (%)	2012–16 5-Yr. Rate
	Male	14,703	13,605	92.5	9,560	65.0	4,045	27.5	29.2
	Female	3,584	3,159	88.1	2,757	76.9	402	11.2	12.7
Race & Ethnicity	White	10,480	9,521	90.8	7,287	69.5	2,234	21.3	22.9
	Black	4,656	4,312	92.6	2,930	62.9	1,382	29.7	32.8
	American Indian	1,640	1,528	93.2	1,079	65.8	449	27.4	28.1
	Hispanic	942	872	92.6	617	65.5	255	27.1	30.2
	Asian	514	481	93.6	363	70.6	118	23.0	24.3
	Other/ Unknown	55	50	90.9	41	74.5	9	16.4	11.8
Judicial District	First	2,404	2,243	93.3	1,756	73.0	487	20.3	20.7
	Second	1,815	1,787	98.5	1,329	73.2	458	25.2	29.3
	Third	1,426	1,232	86.4	865	60.7	367	25.7	25.6
	Fourth	3,819	3,399	89.0	2,408	63.1	991	25.9	30.5
	Fifth	1,006	914	90.9	706	70.2	208	20.7	21.7
	Sixth	912	828	90.8	602	66.0	226	24.8	21.8
	Seventh	1,972	1,917	97.2	1,367	69.3	550	27.9	29.9
	Eighth	492	464	94.3	329	66.9	135	27.4	28.2
	Ninth	1,818	1,486	81.7	1,012	55.7	474	26.1	26.6
	Tenth	2,624	2,494	95.0	1,943	74.0	551	21.0	23.4
	Total	18,288	16,764	91.7	12,317	67.4	4,447	24.3	26.3

Average Pronounced Sentences (Durations)

State Prison

The average pronounced prison sentence in 2017 was 46 months, a slight decrease from 2016 (Table 2, p. 20). The average varied by applicable Grid: 43 months for offenders with presumptive sentences on the Standard Grid, and 72 months for offenders with presumptive sentences on the Sex Offender Grid.¹⁶ The Drug Offender Grid, which became effective August 1, 2016, had an average pronounced prison sentence of 40 months.

The average has fluctuated over time, but sentence lengths increased after 1989. From 1981 to 1989, the average was 37.5 months, increasing to 46.7 months from 1990 to 2017. 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. 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

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

¹⁶ In 2017, 6 offenders (0.1%) were sentenced for offenses committed before August 1, 2005, some of which were sex offenses. The applicable pre-2005 Standard Grid was therefore used to determine the presumptive sentence. The average pronounced sentence for these offenses was 193 months.

Table 2. Average Pronounced Prison Sentence, 1981-2017

Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)
2017	46.0	2004	45.1	1991	45.2
2016	46.3	2003	51.2	1990	45.7
2015	45.0	2002	47.2	1989	37.7
2014	45.5	2001	49.8	1988	38.1
2013	45.2	2000	49.7	1987	36.3
2012	47.3	1999	47.9	1986	35.4
2011	45.6	1998	47.0	1985	38.4
2010	46.5	1997	44.5	1984	36.2
2009	42.8	1996	47.4	1983	36.5
2008	45.0	1995	48.5	1982	41.0
2007	44.8	1994	51.3	1981	38.3
2006	44.8	1993	46.9		
2005	45.7	1992	48.6		

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

The average amount of local confinement pronounced was 96 days in 2017, the lowest average on record. The average amount of local confinement was 106 days in 2016, and had remained in a fairly narrow range—between 103 and 113 days—from 1988 through 2016 (Table 3, p. 21).

Although information is available in the monitoring system regarding the amount of local 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 of local confinement pronounced as a condition of probation does not always provide a complete picture of how much time felons are spending in local 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. For some, this credited time will constitute the entire period of local confinement. Other offenders may be released to a treatment program.

Table 3. Average Local Confinement, 1981-2017

Year	Local Confinement (in days)	Year	Local Confinement (in days)	Year	Local Confinement (in days)
2017	96	2004	112	1991	106
2016	106	2003	112	1990	110
2015	105	2002	106	1989	110
2014	107	2001	105	1988	108
2013	110	2000	104	1987	116
2012	107	1999	103	1986	113
2011	109	1998	107	1985	120
2010	109	1997	107	1984	126
2009	111	1996	107	1983	132
2008	110	1995	108	1982	144
2007	110	1994	113	1981	166
2006	107	1993	112		
2005	109	1992	109		

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 may agree on acceptable sentences. 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.¹⁷ Along with reasons for departure, the court may supply information about the

¹⁷ Minn. R. Crim. P. [27.03](#), subd. 4(C).

position of the prosecutor regarding the departure. In 2017, the Commission received departure reasons, information about the position of the prosecutor, or both, in 97 percent of departure cases.

In 2017, 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.

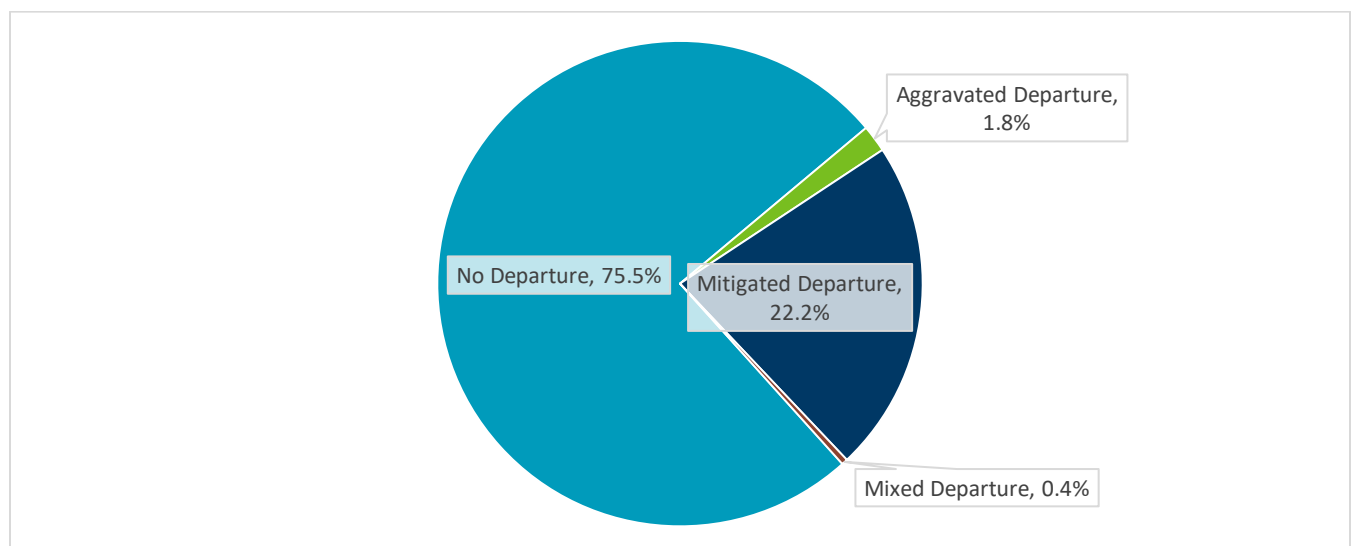
(Minn. Sentencing Guidelines Comment 2.D.104.)

Total Departures

In 2017, 75.5 percent of the total number of felony offenders (18,288) sentenced received the presumptive Guidelines sentence. The remaining 24.5 percent received some type of departure; i.e., aggravated, mitigated, or “mixed,” which includes both dispositional and durational departures (Figure 9).

Additional departure information can be found in Table 18 (p. 62), Table 19 (p. 63), Table 20 (p. 64), Table 21 (p. 65), and Table 22 (p. 66). Departure information by county can be found in Table 24 (p. 70) and Table 25 (p. 73).

Figure 9. Total Departure Rates, All Cases, 2017



Dispositional Departures

While Figure 9, above, reports both the dispositional and durational departure rates among all cases, this section examines only dispositional departures. A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types: aggravated and mitigated. 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 an executed prison sentence but the court pronounces a stayed sentence. In 2017, 2,333 offenders (13%) received a dispositional departure from the Guidelines. In 201 cases (1%), the offenders received prison when the Guidelines recommended probation (“aggravated dispositional departure”). In 2,132 cases (11.7%), the offenders received probation when the Guidelines recommended prison (“mitigated dispositional departure”). The majority of the increase in the total departure rate since 1981 has resulted from increases in the mitigated dispositional departure rate (Figure 10, p. 24).

Types of Dispositional Departures

Aggravated Dispositional Departures

Of all cases sentenced in 2017, 1.1 percent were aggravated dispositional departures (Figure 10, p. 24). Among only those offenders at risk to receive an aggravated dispositional departure—i.e., those with a presumptively stayed sentence—the aggravated dispositional departure rate was 1.6 percent (Table 19, p. 63).

Most aggravated dispositional departures (58% in 2017) 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 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 0.5 percent (Figure 11, inset). The inclusion of these cases inflates the aggravated dispositional departure rate to 1.1 percent and the total dispositional departure rate to 13 percent (Figure 10, p. 24).

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. In 2017, the decrease in aggravated dispositional departure rates is apparent. For cases sentenced in 2017, 87 percent of the presumptive stayed cases had an offense date within the scope of the 2015 change. The aggravated dispositional departure rate for those cases was 1.1 percent, compared to 5.2 percent for 2017 cases with offense dates prior to August 1, 2015. There were 407 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 the offender’s 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.

Figure 10. Dispositional Departure Rates, 1982, 1984, 1986-2017

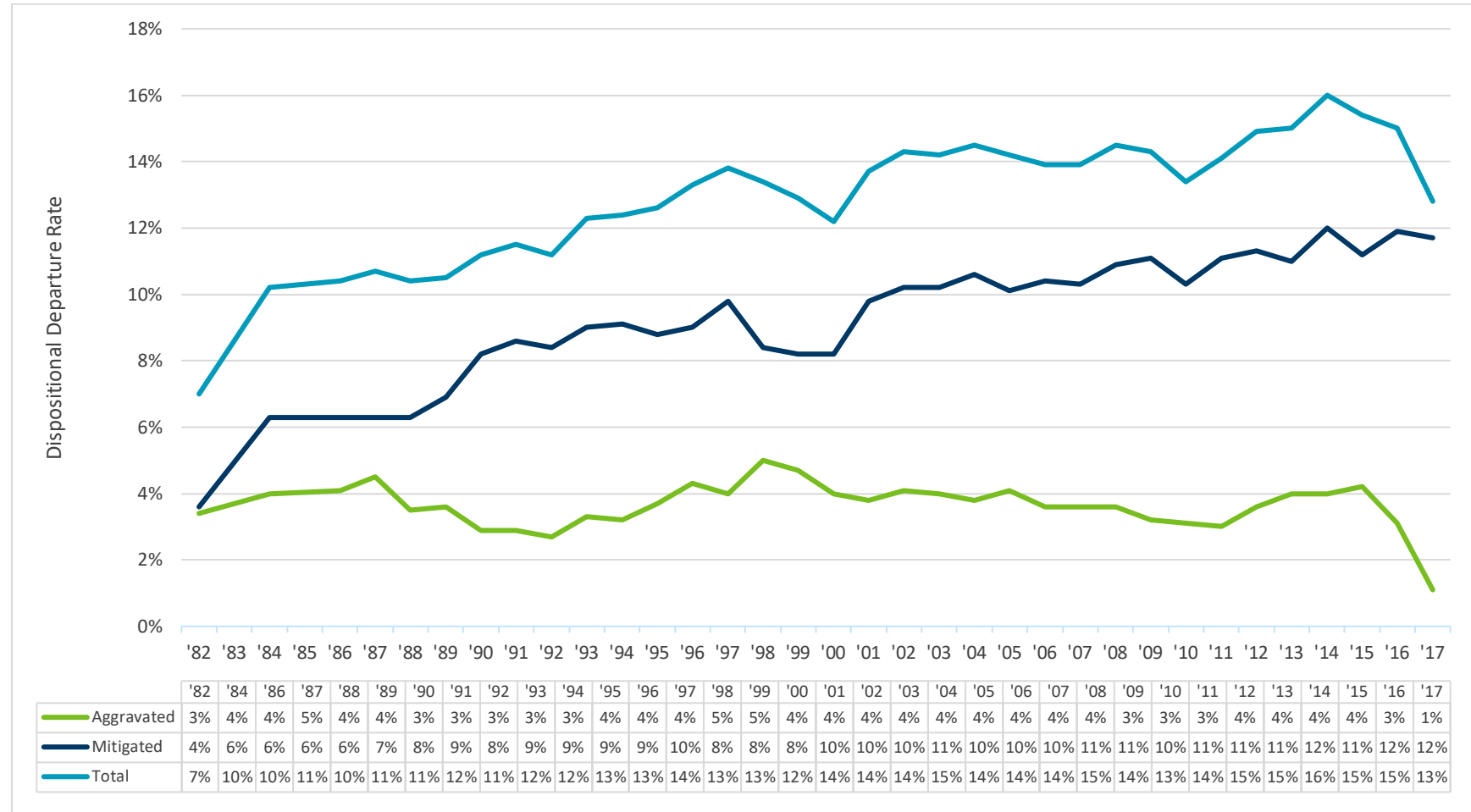
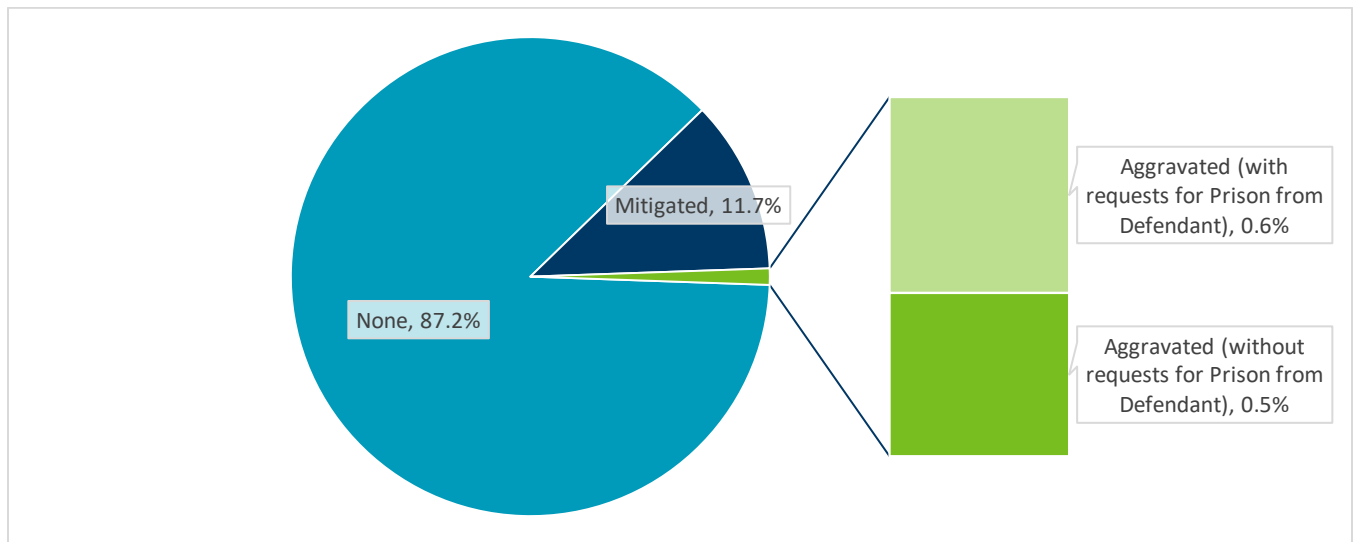


Figure 11. Dispositional Departure Rates with and without Requests for Prison from Defendant, 2017



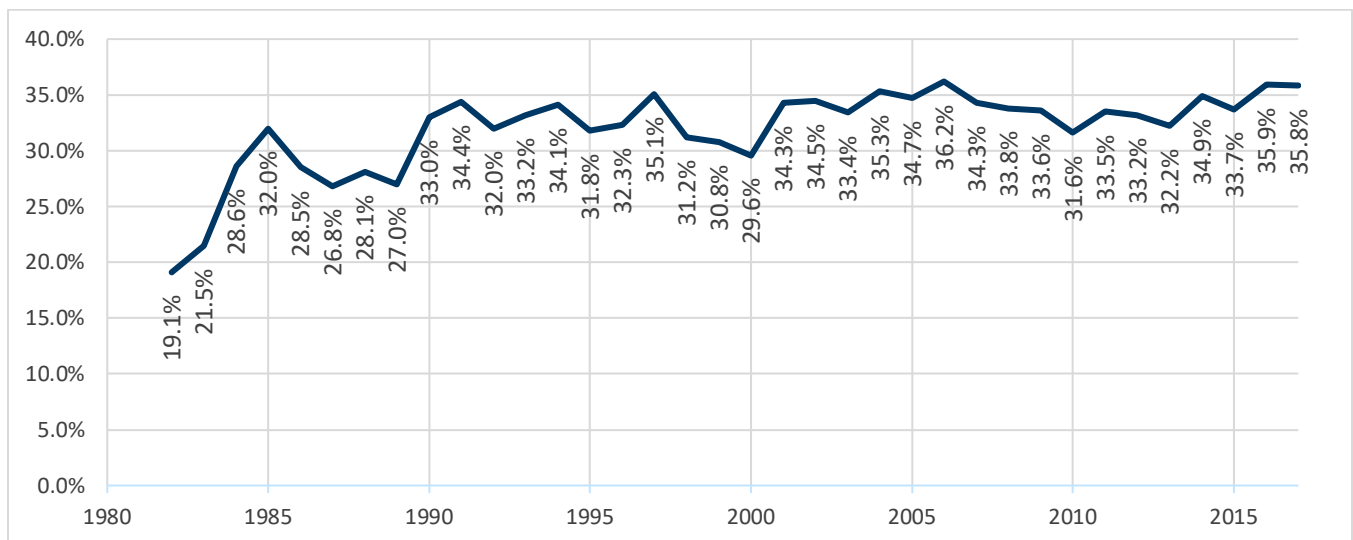
Mitigated Dispositional Departures

Twelve percent of all offenders sentenced in 2016 had mitigated dispositional departures (Figure 10, p. 24). 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 Rates for Presumptive Commitments

In 2017, the mitigated dispositional departure rate for offenders recommended prison under the Guidelines was 35.8 percent (2,132 of the 5,949 offenders recommended prison), which is similar to the rate observed in 2016 (Figure 12). The highest rate was 36.2 percent in 2006.

Figure 12. Mitigated Dispositional Departure Rates, Presumptive Commitments Only, 1982-2017



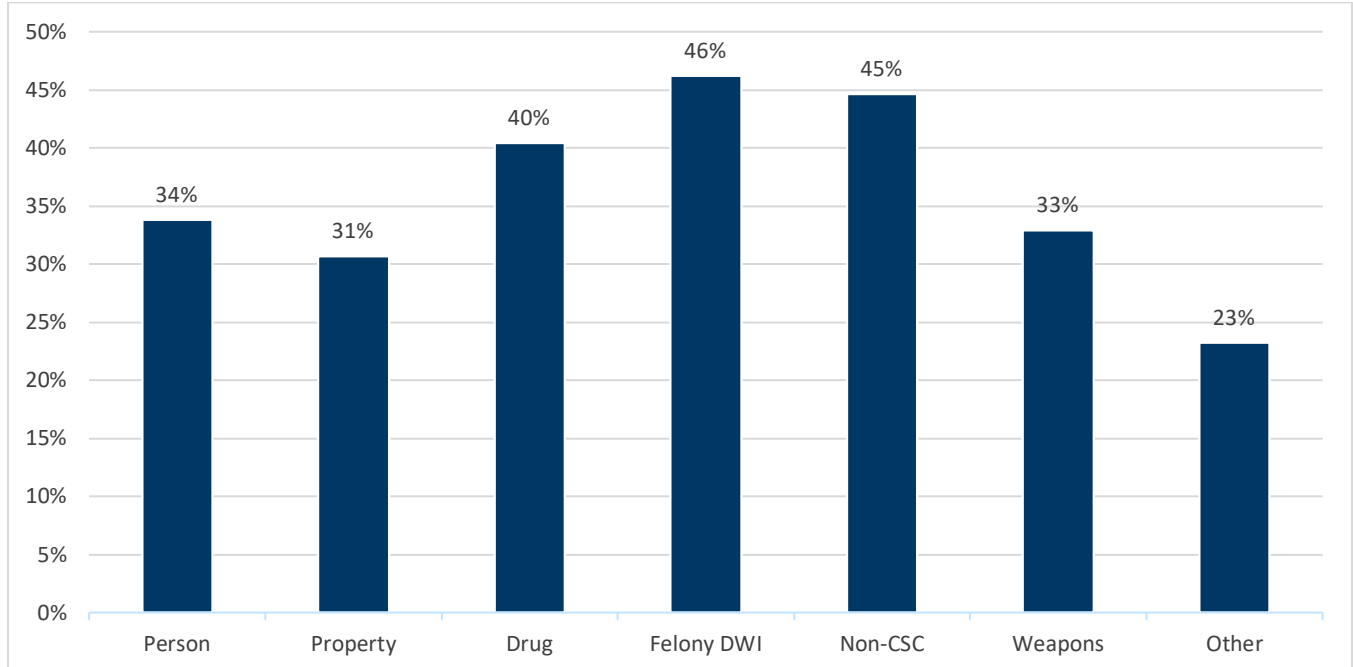
Mitigated Dispositional Departure Rates by Gender, Race/Ethnicity, and Judicial District

Table 19 (p. 63) illustrates dispositional departure rates by gender, race/ethnicity, and judicial district for presumptive commitment offenses. The mitigated dispositional departure rate is higher for women (55.9%) than men (33.7%). When examined by racial and ethnic composition, the mitigated dispositional departure rate ranged from a low of 28.4 percent for American Indian offenders to a high of 39.7 percent for Asian offenders, and a high of 64.7 percent for “Other” race/ethnicity. There was also variation in the rate by judicial district, ranging from a low of 27.8 percent in the Seventh Judicial District (includes the City of St. Cloud) to a high of 41 percent in the Fifth Judicial District (includes the City of Mankato). This is a smaller variation than seen in 2016, where the range by judicial district was 23.1 – 45.9 percent. See Appendix 1 (p. 76) for a map of Minnesota’s ten judicial districts.

Mitigated Dispositional Departure Rate by Offense Type

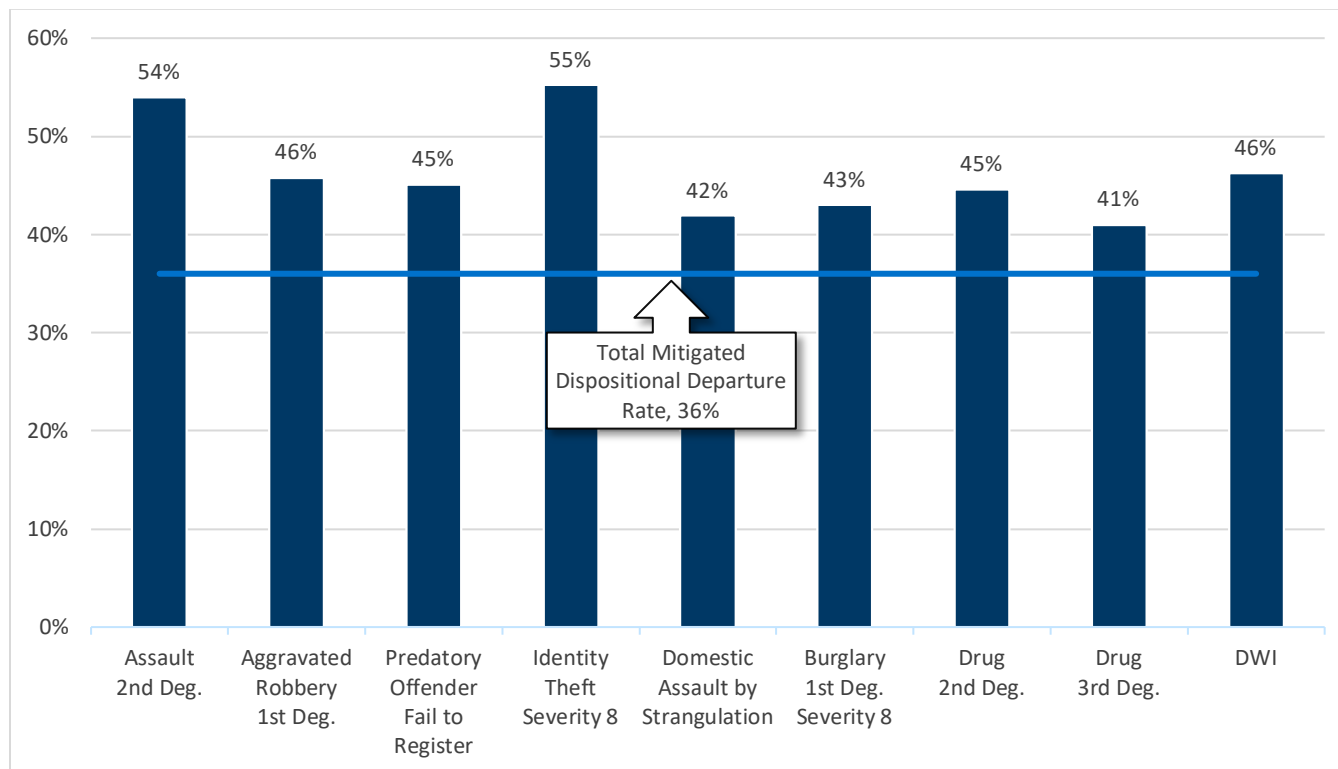
Figure 13 displays the mitigated dispositional departure rate by offense type. The rate is lowest for “other” offenses. The mitigated dispositional departure rate exceeded the 2016 rates for property offenses (28% in 2016), and felony DWI offenses (41% in 2016). The rate decreased for person offenses (35% in 2016), drug offenses (41% in 2016), non-CSC sex offenses (47% in 2016), and “other” offenses (26% in 2016). The rate for weapon offenses remained the same (33% in both years).

Figure 13. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitments Only, 2017



Even within offense types, departure rates vary by offense. Figure 14 (p. 27) 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, 2017



Note: 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, or physical contact with, 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 58 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 16 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 26 percent of these departures. Prosecutor agreement can vary by offense type (Figure 15) and offense (Figure 16). In all offense categories, amenability to probation and amenability to treatment were the most frequently cited substantial and compelling reasons for departure recorded.

Figure 15. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, by Offense Type, 2017

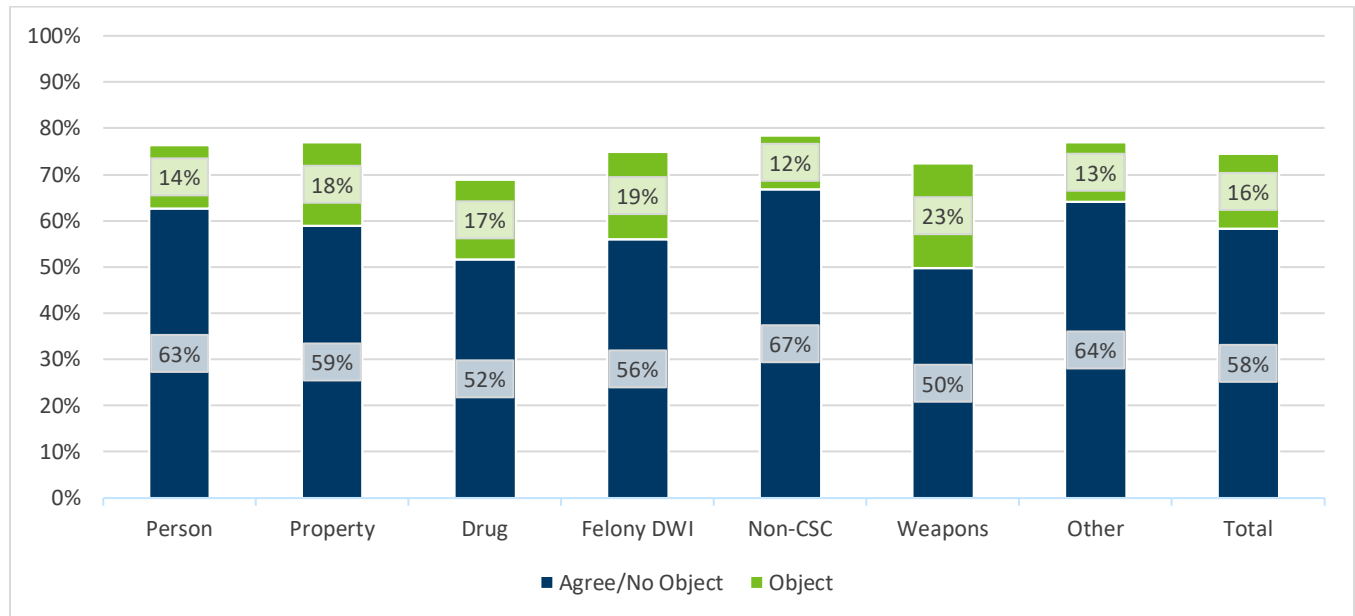
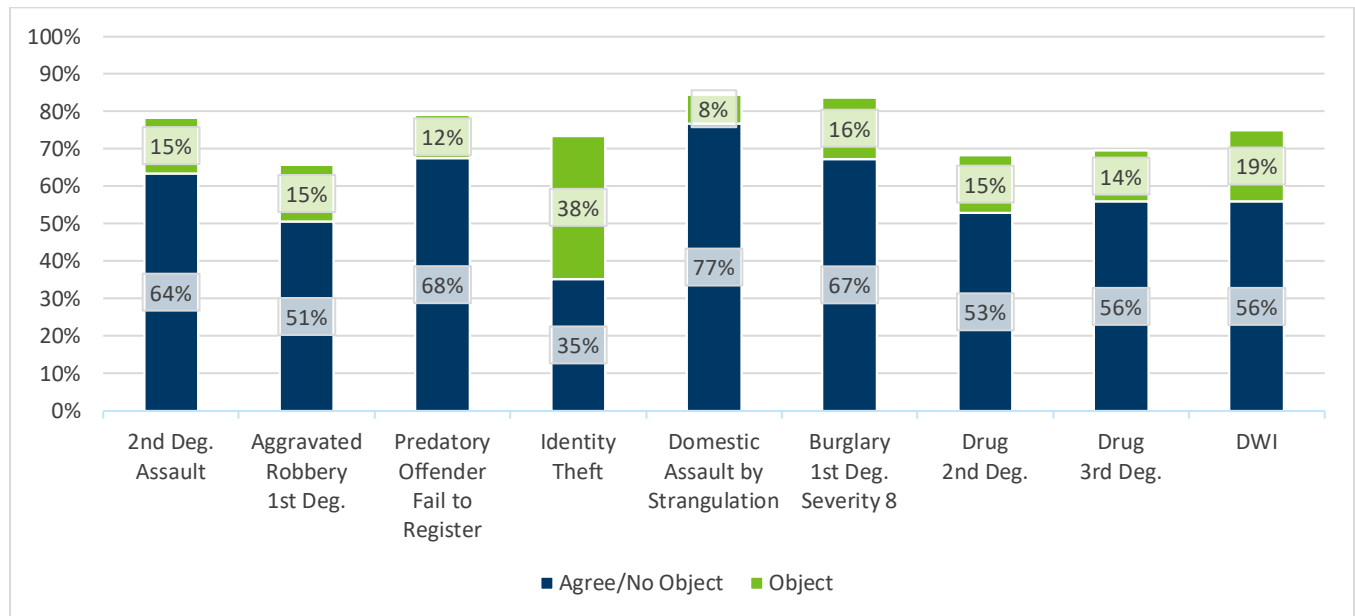


Figure 16. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, Selected Offenses, 2017



Notes: 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. 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

While Figure 9 (p. 22) reports both the dispositional and durational departure rates among all cases, this section examines only durational departures. 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 Table 20 (p. 64) and Table 21 (p. 65). This section focuses on departures for executed prison sentences (those offenders for whom a prison sentence was imposed), which are shown in Figure 17 (p. 30). 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 increases in presumptive durations. In 2001 and 2002, the mitigated durational departure rate, at almost 30 percent, 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.

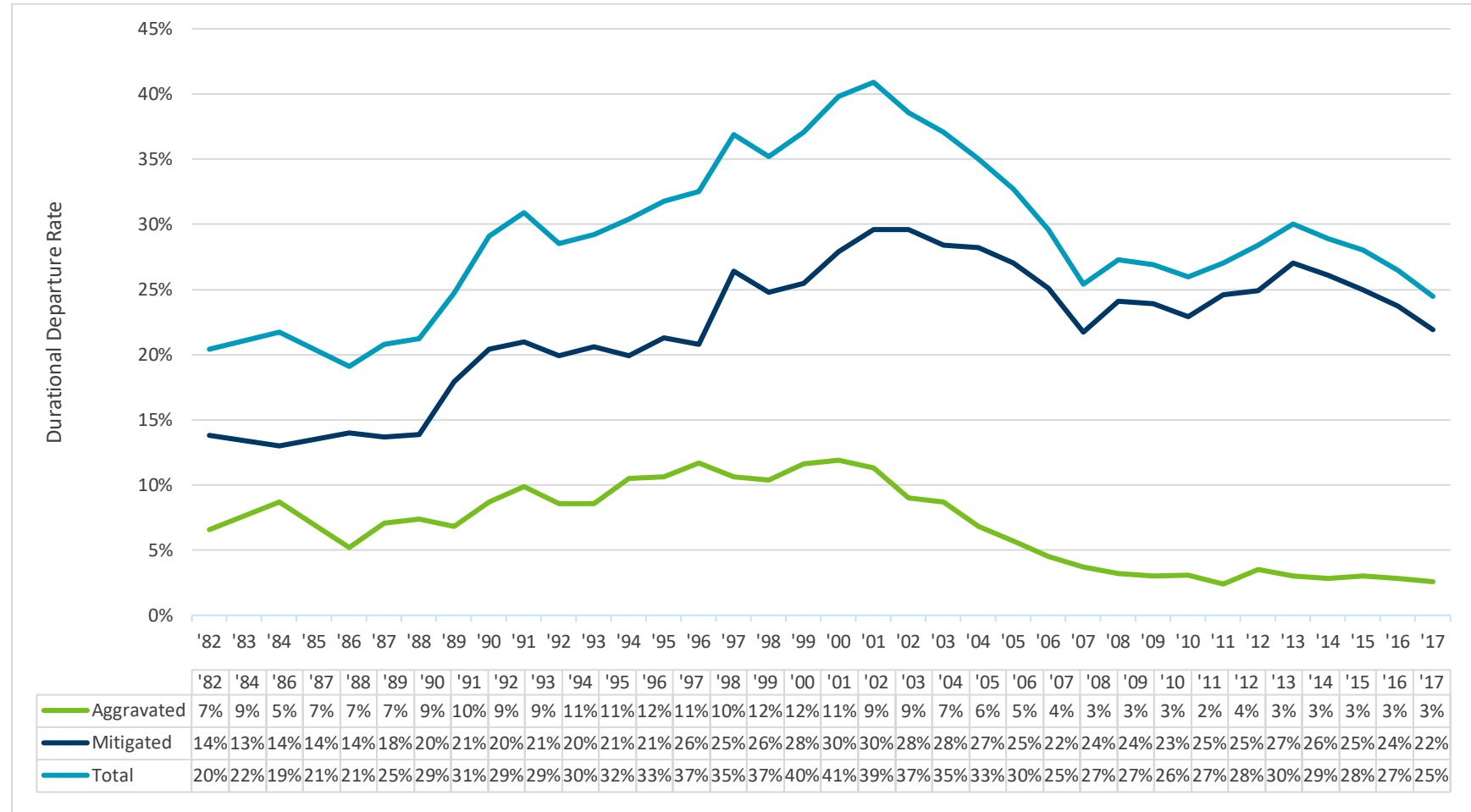
From 2016 to 2017, the mitigated durational departure rate fell from 23.7 percent to 21.9 percent. The aggravated durational departure rate also fell, from 2.8 percent to 2.6 percent. The trend in lower aggravated durational departure rates since the mid-2000s likely reflects the impact of increased 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.¹⁸

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.¹⁹

¹⁸ 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).

¹⁹ 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 for Cases Receiving an Executed Prison Sentence, 1982, 1984, 1986-2017



Durational Departure Rates by Gender, Race /Ethnicity and Judicial District

Table 22 (p. 66) 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 2017 was higher than for females (22% vs. 20%). When the departure rate is examined by racial and ethnic composition, the rate varies from a low of 16 percent for American Indian and Hispanic offenders to a high of 30.5 percent for black offenders. There is also considerable variation in mitigated durational departure rates by Minnesota Judicial District, ranging from a low of eight percent in the Eighth Judicial District to a high of 42 percent in the Fourth Judicial District. See Appendix 1 (p. 76) 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 illustrates, offenses in the 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 4.3 percent.

Figure 18. Durational Departure Rates for Cases Receiving Executed Prison Sentences, by Offense Type, 2017

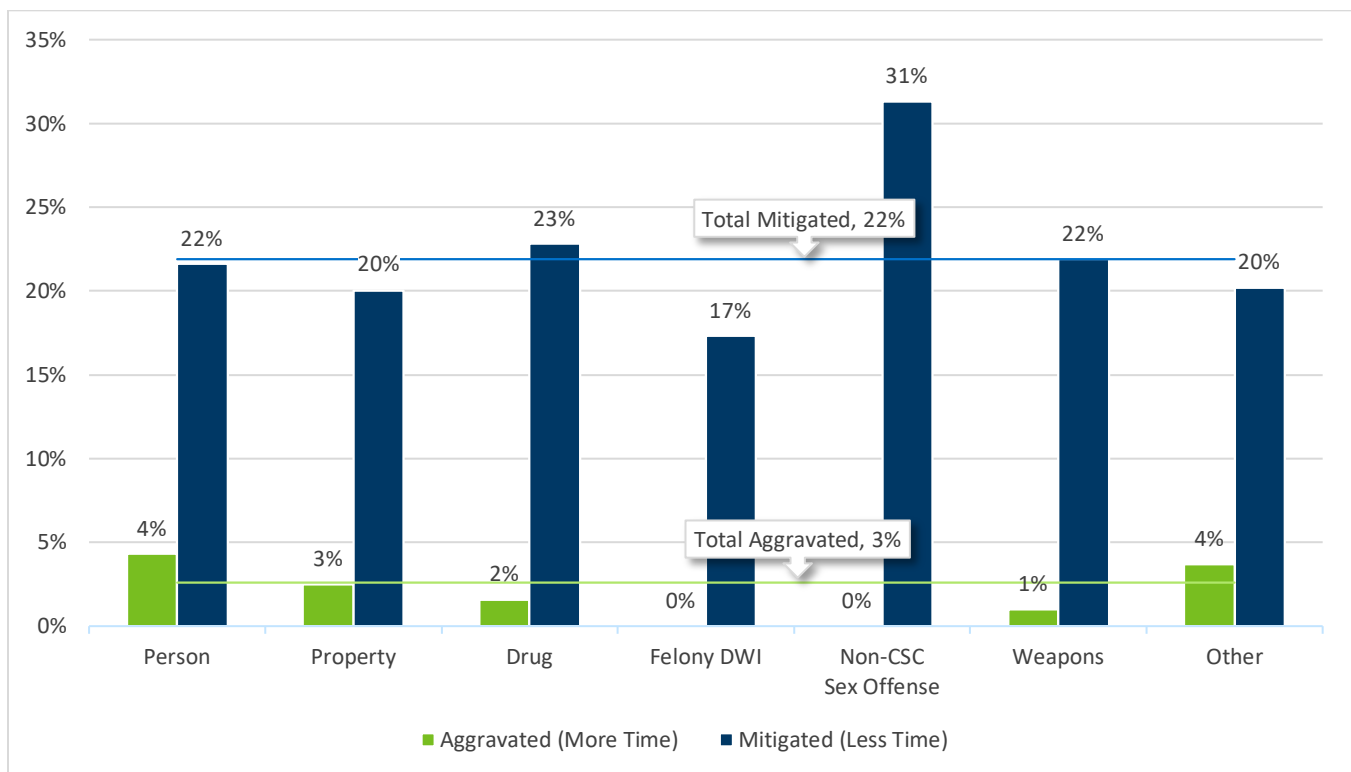
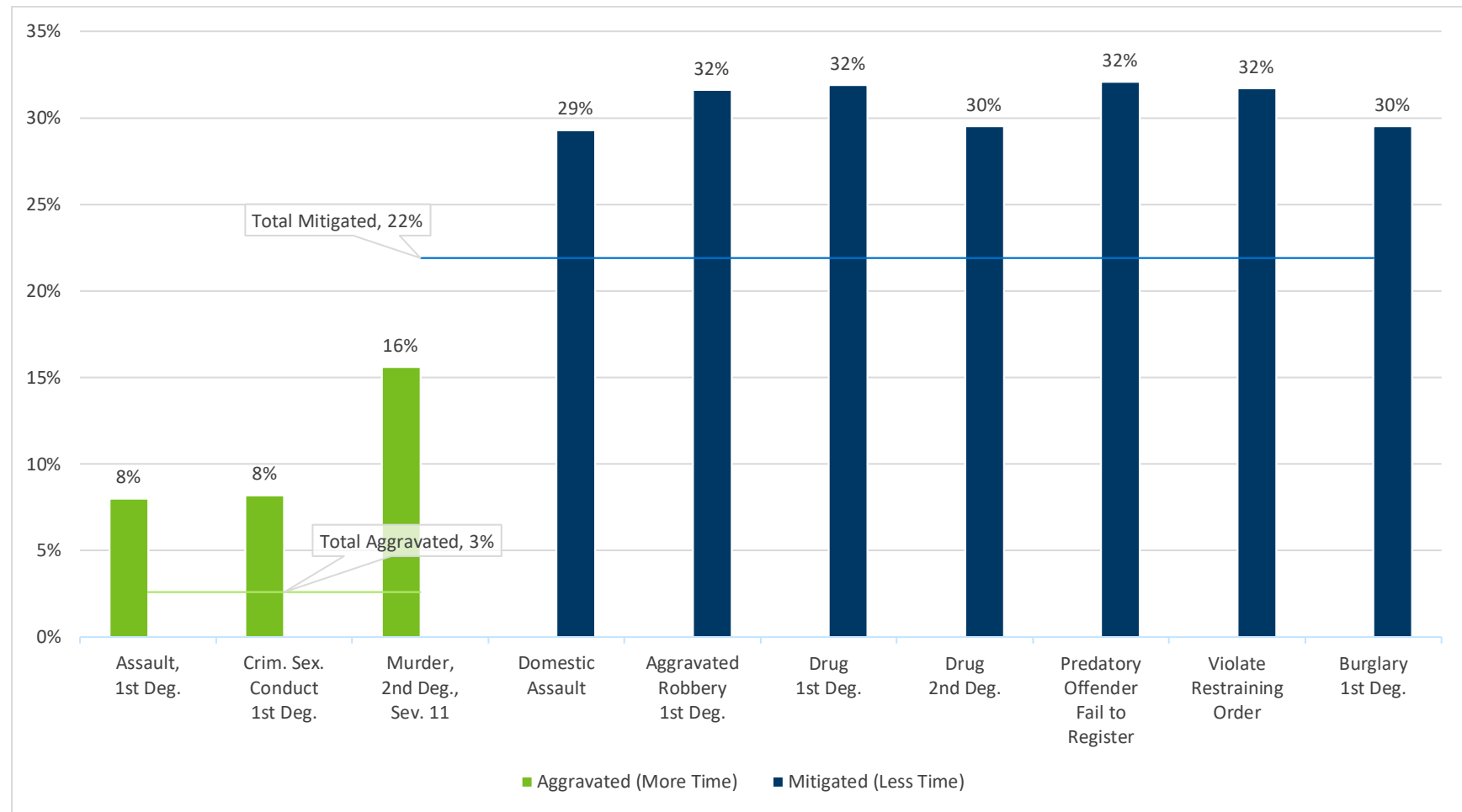


Figure 19 (p. 32) displays offenses with the highest durational departure rates among offenses with at least 40 executed prison cases. Included in this graph are offenses with mitigated durational departure rates above 29 percent, or aggravated durational departure rates of eight percent or more.

Figure 19. Durational Departure Rates for Cases Receiving Executed Prison Sentences, Selected Offenses, 2017



Note: Offenses were selected based on criteria that there were 40 or more executed prison cases, and the aggravated durational departure rate was 8 percent or more or the mitigated durational departure rate was 29 percent or more.

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

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 74 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 19 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, p. 34).

In 56.5 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 43.5 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, p. 34).

Figure 20. Court-Cited Position of Prosecutor for Mitigated Durational Departures for Offenders Receiving an Executed Prison Sentence, by Offense Type, 2017

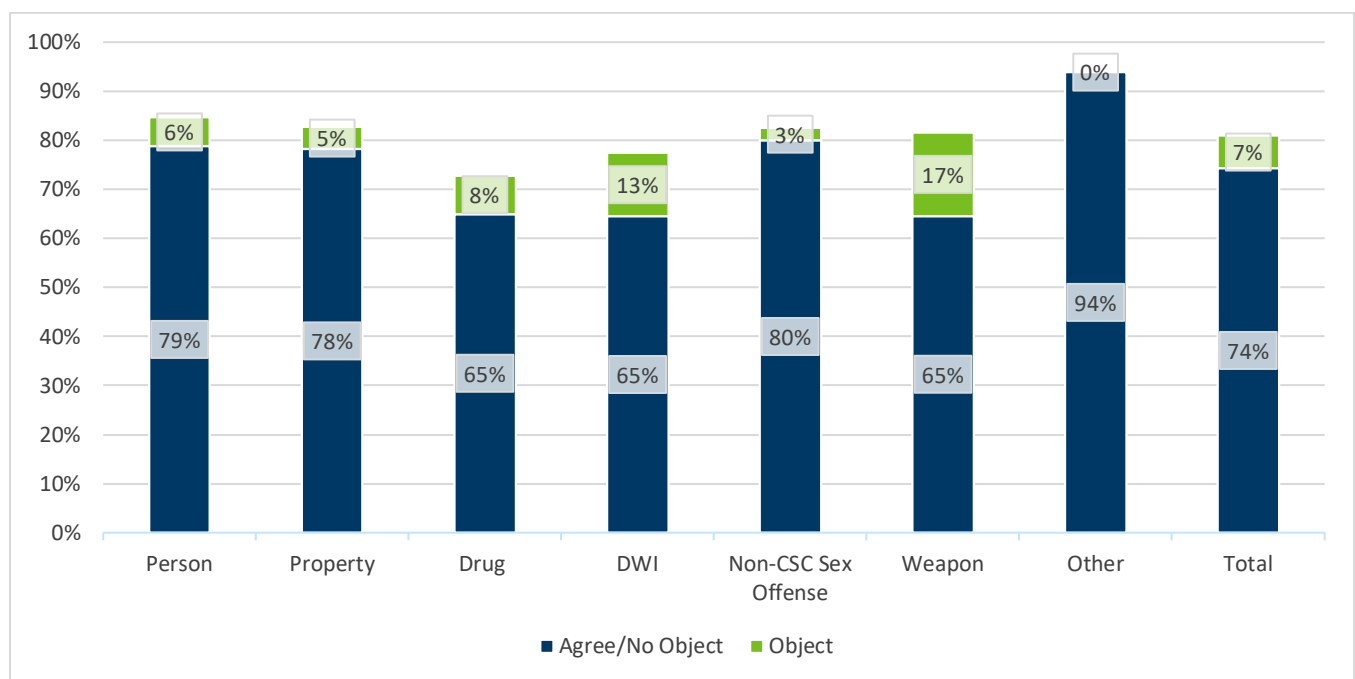
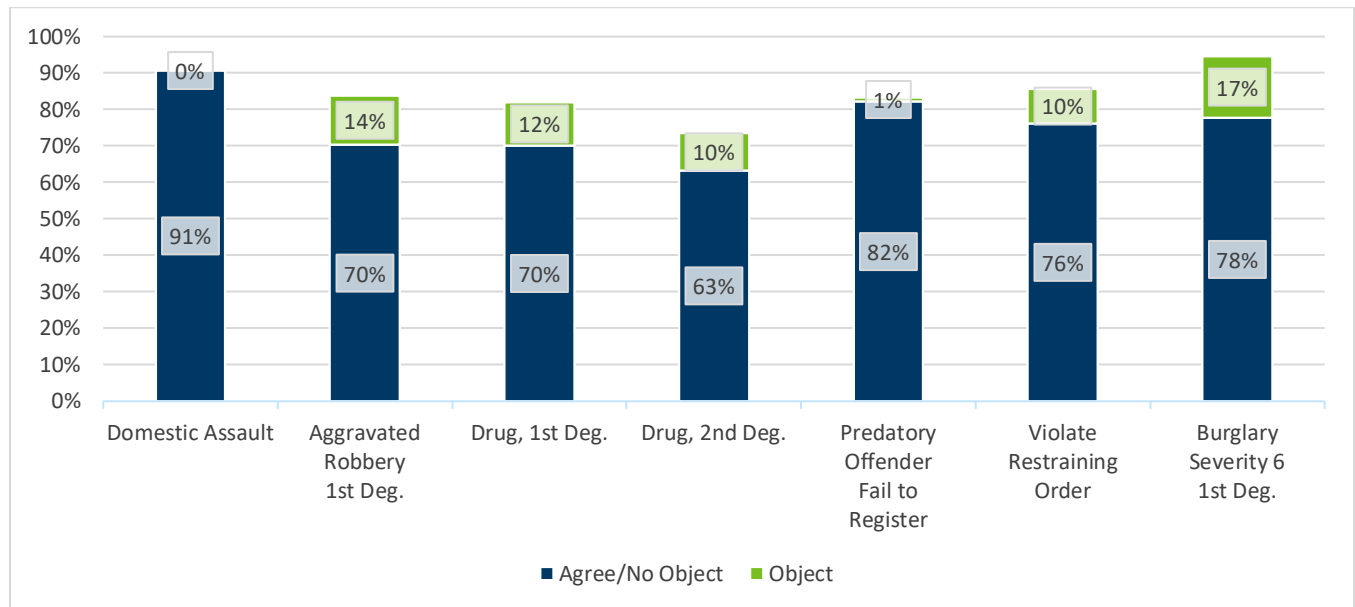
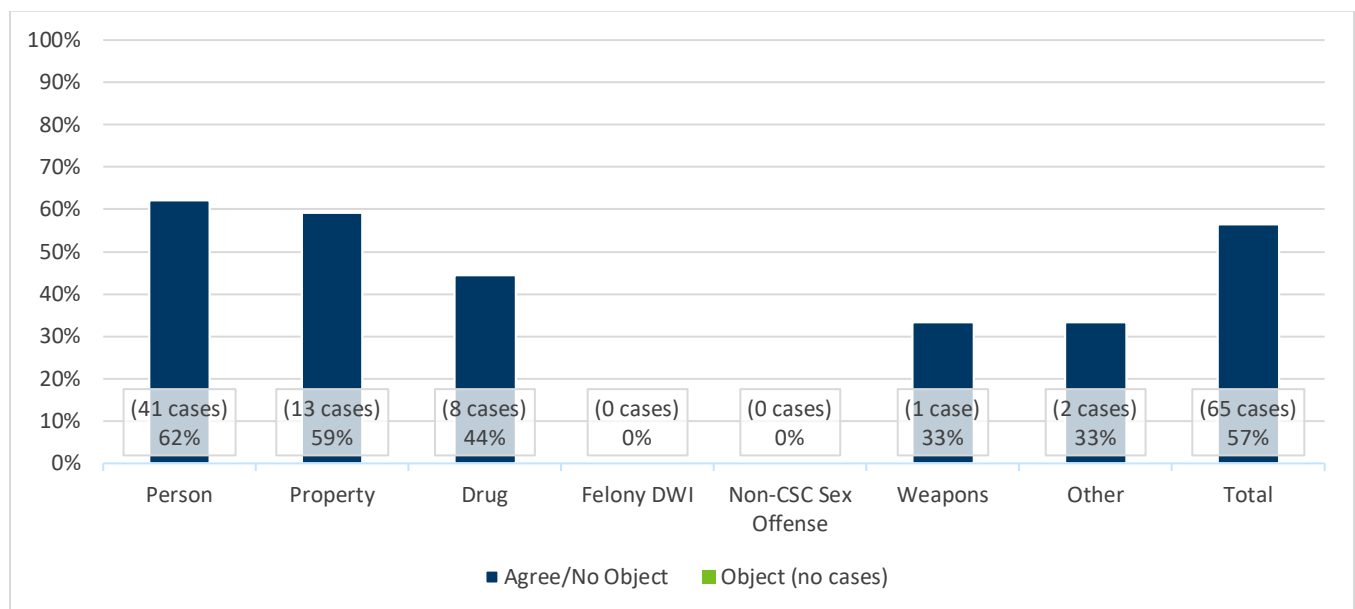


Figure 21. Court-Cited Position of Prosecutor for Mitigated Durational Departures for Offenders Receiving an Executed Prison Sentence, Selected Offenses, 2017



Notes: 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. Offenses were selected based on criteria that there were 40 or more executed prison cases and the mitigated durational departure rate was 29 percent or more.

Figure 22. Court-Cited Position of Prosecutor for Aggravated Durational Departures for Offenders Receiving an Executed Prison Sentence, by Offense Type, 2017



Notes: 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. In no case did the court record a prosecutorial objection to an 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 still relatively rare, this type of departure has become more common in the past decade. In 2017, 5.2 percent of felony offenders received a misdemeanor or gross misdemeanor sentence.

Table 4. Felony Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981-2017

Year	Total Number of Offenders	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
2017	18,288	944	5.2
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

Year	Total Number of Offenders	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
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, 1981-2017

Year	Total Number of Offenders	Males		Females	
		Number	Percent	Number	Percent
2017	18,288 ²⁰	14,703	80.4	3,584	19.6
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

²⁰ "Total number of offenders" includes one corporation. This offender is included in neither the "males" nor "females" category.

Year	Total Number of Offenders	Males		Females	
		Number	Percent	Number	Percent
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, 1981-2017

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense ²¹		Weapon		Other ^{22, 23}		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
2017	5,237	28.6	4,870	26.6	5,670	31.0	570	3.1	527	2.9	537	2.9	877	4.8	18,288
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

²¹ “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).

²² “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

²³ “Other” includes non-CSC sex offenses and weapon offenses before 2011.

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense ²¹		Weapon		Other ^{22, 23}		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
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, 1981-2017

Year	Total Number of Offenders	White		Black		American Indian		Hispanic		Asian		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2017	18,288	10,480	57.3	4,656	25.5	1,640	9.0	942	5.2	514	2.8	55	0.3
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

Year	Total Number of Offenders	White		Black		American Indian		Hispanic		Asian		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
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, 2017

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Person Offenses	5,237	47.2%	35.2%	8.7%	6.2%	2.2%	0.4%
Accidents	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Aggravated Robbery 1	216	23.6%	60.6%	7.4%	6.9%	1.4%	0.0%
Aggravated Robbery 2	45	24.4%	60.0%	11.1%	4.4%	0.0%	0.0%
Assault 1	65	36.9%	44.6%	7.7%	7.7%	3.1%	0.0%
Assault 2	350	41.4%	35.1%	11.7%	7.4%	3.7%	0.6%
Assault 3	423	45.9%	33.8%	11.1%	6.1%	1.9%	1.2%
Assault 4	192	42.2%	34.9%	16.1%	5.2%	1.0%	0.5%
Assault 5	65	38.5%	46.2%	10.8%	4.6%	0.0%	0.0%
Coercion	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Burglary 1 (severity=8)	100	50.0%	29.0%	16.0%	4.0%	0.0%	1.0%
Criminal Sexual Conduct (CSC) 1 st Degree	125	46.4%	36.8%	4.0%	10.4%	1.6%	0.8%
CSC 2 nd Degree	120	58.3%	15.8%	5.8%	15.8%	3.3%	0.8%
CSC 3 rd Degree	184	61.4%	20.1%	3.3%	11.4%	3.8%	0.0%
CSC 4 th Degree	78	55.1%	20.5%	5.1%	16.7%	1.3%	1.3%
CSC 5 th Degree	2	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%
Criminal Vehicular Homicide	29	62.1%	17.2%	6.9%	13.8%	0.0%	0.0%
Crim. Vehicular Injury (severity=3)	80	67.5%	12.5%	7.5%	11.3%	1.3%	0.0%
Crim. Vehicular Injury (severity=5)	14	50.0%	21.4%	21.4%	0.0%	7.1%	0.0%
Domestic Assault	549	42.3%	41.9%	9.7%	4.9%	1.1%	0.2%
Domestic Assault by Strangulation	298	48.0%	38.3%	6.7%	6.0%	1.0%	0.0%
Drive-by Shooting	15	20.0%	53.3%	6.7%	0.0%	20.0%	0.0%
False Imprisonment	13	69.2%	15.4%	7.7%	7.7%	0.0%	0.0%
Kidnapping(severity=8/9)	5	20.0%	0.0%	20.0%	20.0%	40.0%	0.0%
Kidnapping (severity=6)	7	42.9%	28.6%	0.0%	28.6%	0.0%	0.0%
Malicious Punishment of a Child	24	54.2%	20.8%	4.2%	12.5%	8.3%	0.0%

* Includes offenders categorized under the “unknown/other” race type.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Manslaughter 1 (severity=9)	4	0.0%	25.0%	50.0%	0.0%	25.0%	0.0%
Manslaughter 1 (severity=8)	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Manslaughter 2 (severity=8)	10	40.0%	50.0%	10.0%	0.0%	0.0%	0.0%
Murder 1	8	50.0%	37.5%	0.0%	12.5%	0.0%	0.0%
Murder 2 (severity=10)	26	38.5%	53.8%	3.8%	3.8%	0.0%	0.0%
Murder 2 (severity=11)	45	37.8%	48.9%	4.4%	6.7%	2.2%	0.0%
Murder 3 (severity=9/10)	5	40.0%	60.0%	0.0%	0.0%	0.0%	0.0%
Parental Rights	19	73.7%	21.1%	0.0%	5.3%	0.0%	0.0%
Prostitution	112	59.8%	25.9%	1.8%	8.0%	3.6%	0.9%
Simple Robbery	176	19.9%	60.2%	10.8%	8.0%	0.6%	0.6%
Solicit Minor for Sex	56	83.9%	7.1%	7.1%	1.8%	0.0%	0.0%
Stalking (severity=4)	35	60.0%	22.9%	8.6%	8.6%	0.0%	0.0%
Stalking (severity=5)	70	70.0%	20.0%	5.7%	1.4%	2.9%	0.0%
Terroristic Threats (severity=1, 2)	32	65.6%	18.8%	6.3%	3.1%	6.3%	0.0%
Terroristic Threats (severity=4)	731	52.0%	29.7%	8.8%	5.1%	4.2%	0.3%
Violate Restraining Order	843	49.5%	37.5%	7.7%	3.6%	1.4%	0.4%
Other Person Offenses**	55	52.7%	27.3%	10.9%	3.6%	5.5%	0.0%

(Table 8 continues on next page)

** Offenses having low numbers of offenders are grouped in the “other” categories.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Property Offenses	4,870	59.0%	24.9%	8.4%	4.0%	3.3%	0.2%
Arson 1	8	87.5%	12.5%	0.0%	0.0%	0.0%	0.0%
Arson 2	5	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Arson 3	3	66.7%	0.0%	33.3%	0.0%	0.0%	0.0%
Burglary 1 (severity=6)	186	50.0%	34.4%	8.1%	5.4%	2.2%	0.0%
Burglary 2 (severity=4)	45	64.4%	17.8%	6.7%	6.7%	4.4%	0.0%
Burglary 2 (severity=5)	334	64.7%	21.3%	8.7%	3.3%	1.2%	0.9%
Burglary 3	446	68.2%	18.2%	9.9%	2.9%	0.9%	0.0%
Check Forgery (severity=1)	24	75.0%	4.2%	16.7%	4.2%	0.0%	0.0%
Check Forgery (severity=2)	350	56.6%	24.9%	9.7%	2.9%	6.0%	0.0%
Check Forgery (severity=3)	85	62.4%	21.2%	7.1%	5.9%	2.4%	1.2%
Check Forgery (severity=5)	6	66.7%	16.7%	0.0%	16.7%	0.0%	0.0%
Counterfeit Check	46	54.3%	32.6%	8.7%	2.2%	2.2%	0.0%
Criminal Damage to Property	178	55.1%	27.0%	9.0%	7.3%	1.7%	0.0%
Financial Transaction Card Fraud	310	57.1%	27.7%	6.1%	5.8%	2.6%	0.6%
Identity Theft	139	49.6%	33.1%	0.7%	5.0%	11.5%	0.0%
Issue Dishonored Check	57	78.9%	12.3%	3.5%	0.0%	5.3%	0.0%
Mail Theft	28	75.0%	3.6%	3.6%	3.6%	14.3%	0.0%
MV Use w/o Consent (severity=3)	500	54.0%	21.0%	11.4%	4.4%	9.2%	0.0%
Other Forgery	26	57.7%	15.4%	0.0%	26.9%	0.0%	0.0%
Poss. Shoplifting Gear	41	61.0%	24.4%	9.8%	2.4%	2.4%	0.0%
Possess Burglary Tools	134	67.2%	17.9%	8.2%	4.5%	2.2%	0.0%
Receiving Stolen Property	455	62.2%	20.9%	9.5%	4.4%	3.1%	0.0%
Theft	1,111	56.0%	29.4%	8.8%	3.3%	1.8%	0.5%
Theft from Person	84	16.7%	77.4%	4.8%	1.2%	0.0%	0.0%
Theft of a Firearm	36	75.0%	19.4%	2.8%	0.0%	2.8%	0.0%
Theft of MV (severity=4)	70	57.1%	24.3%	8.6%	7.1%	2.9%	0.0%
Theft Over \$35,000	57	87.7%	10.5%	0.0%	1.8%	0.0%	0.0%
Wrongfully Obtaining Assistance	37	62.2%	29.7%	2.7%	5.4%	0.0%	0.0%
Other Property Offenses**	69	72.5%	13.0%	10.1%	1.4%	2.9%	0.0%

** Offenses having low numbers of offenders are grouped in the “other” categories.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Drug Offenses	5,670	66.9%	15.4%	9.5%	4.6%	3.3%	0.2%
Con Sub Intent to Manufacture	10	70.0%	20.0%	10.0%	0.0%	0.0%	0.0%
Controlled Substance 1	338	58.6%	18.3%	6.5%	11.2%	4.7%	0.6%
Controlled Substance 2	424	64.9%	17.7%	5.9%	6.8%	4.5%	0.2%
Controlled Substance 3	574	62.2%	22.5%	6.4%	5.7%	2.6%	0.5%
Controlled Substance 4	80	68.8%	21.3%	8.8%	1.3%	0.0%	0.0%
Controlled Substance 5	4,195	68.5%	13.9%	10.6%	3.8%	3.1%	0.1%
Other Drug Offenses**	49	65.3%	18.4%	8.2%	2.0%	6.1%	0.0%
Felony DWI	570	64.4%	21.4%	6.8%	5.3%	1.8%	0.4%
Non-CSC Sex Offense	527	53.3%	27.1%	9.3%	7.4%	2.5%	0.4%
Child Pornography	81	87.7%	4.9%	2.5%	4.9%	0.0%	0.0%
Predatory Offender Fail to Register	443	47.2%	30.9%	10.6%	7.9%	2.9%	0.5%
Other Sex Grid	3	33.3%	66.7%	0.0%	0.0%	0.0%	0.0%
Weapons	537	35.6%	45.8%	9.1%	6.0%	3.2%	0.4%
Discharge Firearm	45	48.9%	35.6%	4.4%	8.9%	0.0%	2.2%
Felon with Gun	435	33.8%	48.3%	9.7%	4.6%	3.4%	0.2%
Other Weapon Related	57	38.6%	35.1%	8.8%	14.0%	3.5%	0.0%
Other Offenses	877	56.9%	23.7%	11.3%	6.3%	1.3%	0.6%
Accomplice After Fact	21	33.3%	57.1%	4.8%	0.0%	0.0%	4.8%
Aid Offender	36	83.3%	11.1%	0.0%	5.6%	0.0%	0.0%
Bribery	2	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
Escape (severity=3)	116	41.4%	28.4%	25.9%	4.3%	0.0%	0.0%
Failure to Appear	20	45.0%	5.0%	35.0%	15.0%	0.0%	0.0%
Flee Police in MV	588	57.7%	24.1%	9.7%	6.3%	1.7%	0.5%
Lottery Fraud	11	54.5%	36.4%	9.1%	0.0%	0.0%	0.0%
Obstruct Legal Process	7	71.4%	28.6%	0.0%	0.0%	0.0%	0.0%
Perjury	4	75.0%	25.0%	0.0%	0.0%	0.0%	0.0%
Tamper with Witness	8	62.5%	25.0%	12.5%	0.0%	0.0%	0.0%
Tax Offenses	18	83.3%	5.6%	0.0%	5.6%	0.0%	5.6%
Offenses Not Listed Elsewhere**	53	67.9%	13.2%	3.8%	13.2%	1.9%	0.0%
Total	18,288	57.3%	25.5%	9.0%	5.2%	2.8%	0.3%

**Offenses having low numbers of offenders are grouped in the “other” categories.

Table 9. Volume of Offenders by Judicial District, 1981-2017

Year	Judicial District									
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th
2017	2,404	1,815	1,426	3,819	1,006	912	1,972	492	1,818	2,624
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 & Criminal-History Group, 1978, 1981-2017

Year	Distribution by Severity-Level Group						Distribution by Criminal History Score Group					
	Severity Level 1-4/H-F/D1-4		Severity Level 5-7/E,D/D5,D6		Severity Level 8-12/C-A/D7-9		CHS 0		CHS 1 - 3		CHS 4 or more	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2017	13,513	73.9	3,167	17.3	1,608	8.8	5,796	31.7	7,867	43.0	4,625	25.3
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

Year	Distribution by Severity-Level Group						Distribution by Criminal History Score Group					
	Severity Level 1-4/H-F/D1-4		Severity Level 5-7/E,D/D5,D6		Severity Level 8-12/C-A/D7-9		CHS 0		CHS 1 - 3		CHS 4 or more	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
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 2017, 399 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, 38.2 percent had a Criminal History Score of 0 (the row percent). Of the offenders who had a Criminal History Score of 0, 8.2 percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2017, 1,105 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 11a (p. 50) and are displayed on Table 11b (p. 51).

The Drug Offender Grid went into effect August 1, 2016. In 2017, 2,756 offenders were sentenced using the Drug Offender Grid. Those offenders are excluded from Table 11a (50) and Table 11b (p. 51) and are displayed on Table 11c (p. 52).

Table 11a. Distribution of Offenders by Severity Level & Criminal History Score for Offenses on the Standard Grid, 2017

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Murder 1	5 62.5% 0.1%	0 0.0% 0.0%	1 12.5% 0.1%	1 12.5% 0.1%	1 12.5% 0.1%	0 0.0% 0.0%	0 0.0% 0.0%	8 100.0% 0.1%
Severity Level 11	13 28.9% 0.3%	4 8.9% 0.2%	7 15.6% 0.4%	3 6.7% 0.2%	4 8.9% 0.4%	3 6.7% 0.4%	11 24.4% 0.7%	45 100.0% 0.3%
Severity Level 10	11 36.7% 0.2%	4 13.3% 0.2%	3 10.0% 0.2%	6 20.0% 0.4%	1 3.3% 0.1%	1 3.3% 0.1%	4 13.3% 0.3%	30 100.0% 0.2%
Severity Level 9	113 39.9% 2.3%	33 11.7% 1.3%	45 15.9% 2.3%	25 8.8% 1.6%	20 7.1% 1.8%	12 4.2% 1.5%	35 12.4% 2.2%	283 100.0% 2.0%
Severity Level 8	284 40.3% 5.9%	120 17.0% 4.7%	80 11.3% 4.1%	60 8.5% 3.8%	55 7.8% 4.9%	28 4.0% 3.6%	78 11.1% 4.9%	705 100.0% 5.74.9%
Severity Level 7	96 16.5% 2.0%	163 28.0% 6.4%	103 17.7% 5.3%	74 12.7% 4.6%	49 8.4% 4.3%	42 7.2% 5.3%	55 9.5% 3.4%	582 100.0% 4.0%
Severity Level 6	405 29.5% 8.4%	250 18.2% 9.9%	198 14.4% 10.2%	159 11.6% 10.0%	117 8.5% 10.3%	75 5.5% 9.5%	169 12.3% 10.6%	1,373 100.0% 9.5%
Severity Level 5	252 38.0% 5.2%	120 18.1% 4.7%	96 14.5% 5.0%	58 8.7% 3.6%	37 5.6% 3.3%	33 5.0% 4.2%	68 10.2% 4.3%	664 100.0% 4.6%
Severity Level 4	1,052 27.9% 21.7%	616 16.3% 24.3%	555 14.7% 28.6%	514 13.6% 32.3%	339 9.0% 29.9%	250 6.6% 31.7%	447 11.8% 27.9%	3,773 100.0% 26.2%
Severity Level 3	562 35.9% 11.6%	234 15.0% 9.2%	181 11.6% 9.3%	183 11.7% 11.5%	121 7.7% 10.7%	84 5.4% 10.7%	199 12.7% 12.4%	1,564 100.0% 10.8%
Severity Level 2	1,648 37.8% 34.0%	830 19.1% 32.7%	553 12.7% 28.5%	413 9.5% 25.9%	298 6.8% 26.3%	202 4.6% 25.6%	411 9.4% 25.7%	4,355 100.0% 30.2%
Severity Level 1	399 38.2% 8.2%	161 15.4% 6.4%	117 11.2% 6.0%	97 9.3% 6.1%	90 8.6% 8.0%	58 5.6% 7.4%	123 11.8% 7.7%	1,045 100.0% 7.2%
Column Total	4,840 33.5% 100.0%	2,535 17.6% 100.0%	1,939 13.4% 100.0%	1,593 11.0% 100.0%	1,132 7.8% 100.0%	788 5.5% 100.0%	1,600 11.1% 100.0%	14,427 100.0% 100.0%

Table 11b. Distribution of Offenders by Severity Level & Criminal History Score for Offenses on the Sex Offender Grid, 2017

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level A	67	12	6	18	5	6	6	120
	55.8%	10.0%	5.0%	15.0%	4.2%	5.0%	5.0%	100.0%
	16.0%	9.4%	5.0%	13.0%	4.9%	7.9%	4.9%	10.9%
Severity Level B	22	0	3	0	1	0	3	29
	75.9%	0.0%	10.3%	0.0%	3.4%	0.0%	10.3%	100.0%
	5.3%	0.0%	2.5%	0.0%	1.0%	0.0%	2.5%	2.6%
Severity Level C	29	13	8	6	5	5	6	72
	40.3%	18.1%	11.1%	8.3%	6.9%	6.9%	8.3%	100.0%
	6.9%	10.2%	6.7%	4.3%	4.9%	6.6%	4.9%	6.5%
Severity Level D	126	24	11	14	6	5	15	201
	62.7%	11.9%	5.5%	7.0%	3.0%	2.5%	7.5%	100.0%
	30.1%	18.8%	9.2%	10.1%	5.9%	6.6%	12.3%	18.2%
Severity Level E	25	11	4	4	4	2	0	50
	50.0%	22.0%	8.0%	8.0%	8.0%	4.0%	0.0%	100.0%
	6.0%	8.6%	3.3%	2.9%	3.9%	2.6%	0.0%	4.5%
Severity Level F	28	0	2	6	4	1	6	47
	59.6%	0.0%	4.3%	12.8%	8.5%	2.1%	12.8%	100.0%
	6.7%	0.0%	1.7%	4.3%	3.9%	1.3%	4.9%	4.3%
Severity Level G	89	19	9	12	6	1	7	143
	62.2%	13.3%	6.3%	8.4%	4.2%	0.7%	4.9%	100.0%
	21.2%	14.8%	7.5%	8.7%	5.9%	1.3%	5.7%	12.9%
Severity Level H <i>Failure to Register</i>	33	49	77	78	71	56	79	443
	7.4%	11.1%	17.4%	17.6%	16.0%	12.6%	17.8%	100.0%
	7.9%	38.3%	64.2%	56.5%	69.6%	73.7%	64.8%	40.1%
Column Total	419	128	120	138	102	76	122	1,105
	37.9%	11.6%	10.9%	12.5%	9.2%	6.9%	11.0%	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 Level & Criminal History Score for Offenses on the Drug Offender Grid, 2017

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level D9	4	3	0	2	0	0	2	11
	36.4%	27.3%	0.0%	18.2%	0.0%	0.0%	18.2%	100.0%
	0.7%	0.5%	0.0%	0.5%	0.0%	0.0%	0.6%	0.4%
Severity Level D8	44	14	8	13	19	6	27	131
	33.6%	10.7%	6.1%	9.9%	14.5%	4.6%	20.6%	100.0%
	8.2%	2.5%	1.7%	3.5%	6.2%	3.3%	8.6%	4.8%
Severity Level D7	59	39	21	17	13	6	19	174
	33.9%	22.4%	12.1%	9.8%	7.5%	3.4%	10.9%	100.0%
	11.0%	6.8%	4.5%	4.6%	4.2%	3.3%	6.0%	6.3%
Severity Level D6	96	53	36	33	25	17	33	293
	32.8%	18.1%	12.3%	11.3%	8.5%	5.8%	11.3%	100.0%
	17.9%	9.3%	7.7%	8.8%	8.1%	9.3%	10.5%	10.6%
Severity Level D5	2	2	0	0	0	0	0	4
	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	0.4%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
Severity Level D4	13	6	5	9	3	2	7	45
	28.9%	13.3%	11.1%	20.0%	6.7%	4.4%	15.6%	100.0%
	2.4%	1.1%	1.1%	2.4%	1.0%	1.1%	2.2%	1.6%
Severity Level D3	13	9	2	3	0	0	0	27
	48.1%	33.3%	7.4%	11.1%	0.0%	0.0%	0.0%	100.0%
	2.4%	1.6%	0.4%	0.8%	0.0%	0.0%	0.0%	1.0%
Severity Level D2	305	443	397	295	248	151	227	2,066
	14.8%	21.4%	19.2%	14.3%	12.0%	7.3%	11.0%	100.0%
	56.8%	77.6%	84.5%	79.1%	80.5%	83.0%	72.1%	75.0%
Severity Level D1	1	2	1	1	0	0	0	5
	20.0%	40.0%	20.0%	20.0%	0.0%	0.0%	0.0%	100.0%
	0.2%	0.4%	0.2%	0.3%	0.0%	0.0%	0.0%	0.2%
Column Total	537	571	470	373	308	182	315	2,756
	19.5%	20.7%	17.1%	13.5%	11.2%	6.6%	11.4%	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 14,703 male offenders sentenced in 2017 (Table 5, p. 36), 36.6 percent had a presumptive prison disposition and 27.5 percent received a sentence of imprisonment. The actual imprisonment rates in this table and the local incarceration rates in Table 15 can be added together to derive the total incarceration rates.

Table 12. Presumptive and Actual Imprisonment Rates by Gender, 1978, 1981-2017

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual Number	Actual Rate	Presumptive	Actual	Presumptive	Actual
2017	18,288	32.5	4,447	24.3	36.6	27.5	16.0	11.2
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

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
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 10,480 white offenders sentenced in 2017 (Table 7, p. 40), 28.6 percent had a presumptive prison disposition and 21.3 percent received a sentence of imprisonment. The actual imprisonment rates in this table and the local incarceration rates in Table 16 (p. 60) can be added together to derive the total incarceration rate.

Table 13. Presumptive and Actual Imprisonment Rate by Race/Ethnicity, 1978, 1981-2017

Year	Imprisonment Rate (%) by Race/Ethnicity											
	White		Black		American Indian		Hispanic		Asian		Other	
	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual
2017	28.6	21.3	41.2	29.7	32.6	27.4	35.6	27.1	29.4	23.0	30.9	16.4
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

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

Year	Imprisonment Rate (%) by Race/Ethnicity											
	White		Black		American Indian		Hispanic		Asian		Other	
	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual
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
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

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 3,891 offenders sentenced in the Fourth Judicial District in 2017 (Table 9, p. 46), 36.5 percent had a recommended prison disposition and 25.9 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 (p. 61) can be added together to derive the total incarceration rate.

Table 14. Presumptive and Actual Imprisonment Rates by Minnesota Judicial District, 1978, 1981-2017

Year	Imprisonment Rate (%) by Judicial District																			
	1st		2nd		3rd		4th		5th		6th		7th		8th		9th		10th	
	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.
2017	27.7	20.3	39.1	25.2	33.0	25.7	36.5	25.9	29.8	20.7	36.1	24.8	33.1	27.9	30.3	27.4	28.2	26.1	29.1	21.0
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

Year	Imprisonment Rate (%) by Judicial District																			
	1st		2nd		3rd		4th		5th		6th		7th		8th		9th		10th	
	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.
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
1990	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
1989	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
1988	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
1987	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
1986	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
1985	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
1984	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
1983	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
1982	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
1981	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
1978	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 14,703 male offenders sentenced in 2017 (Table 5, p. 36), 65 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, 1981-2017

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
2017	18,288	12,317	67.4	65.0	76.9
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 10,480 white offenders sentenced in 2017 (Table 7, p. 40), 69.5 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, 1981-2017

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
2017	18,288	12,317	67.4	69.5	62.9	65.8	65.5	70.6	74.5
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 3,819 offenders sentenced in the Fourth Judicial District in 2017 (Table 1, p. 18), 63.1 percent received a sentence including incarceration in a local correctional facility.

Table 17. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981-2017

Year	Incarceration Rate (%) by Judicial District									
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th
2017	73.0	73.2	60.7	63.1	70.2	66.0	69.3	66.9	55.7	74.0
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

Departures

Table 18. Dispositional Departures by Gender, Race, & Judicial District, 2017

		Total Number	Total Dispositional Departure Rate (%)	All Cases by Dispositional Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate	Number	Rate	Number	Rate
	Male	14,703	13.3	12,745	86.7	146	1.0	1,812	12.3
	Female	3,584	10.5	3,209	89.5	55	1.5	320	8.9
Race & Ethnicity	White	10,480	12.2	9,202	87.8	122	1.2	1,156	11.0
	Black	4,656	14.5	3,980	85.5	33	0.7	643	13.8
	American Indian	1,640	10.8	1,464	89.3	24	1.5	152	9.3
	Hispanic	942	12.9	821	87.2	11	1.2	110	11.7
	Asian	514	13.6	444	86.4	10	1.9	60	11.7
	Other/ Unknown	55	21.8	43	78.2	1	1.8	11	20.0
Judicial District	First	2,404	12.4	2,106	87.6	34	1.4	264	11.0
	Second	1,815	16.6	1,514	83.4	12	0.7	289	15.9
	Third	1,426	13.4	1,235	86.6	18	1.3	173	12.1
	Fourth	3,819	13.4	3,307	86.6	26	0.7	486	12.7
	Fifth	1,006	12.8	877	87.2	6	0.6	123	12.2
	Sixth	912	15.0	775	85.0	8	0.9	129	14.1
	Seventh	1,972	10.6	1,764	89.5	27	1.4	181	9.2
	Eighth	492	9.9	443	90.0	6	1.2	43	8.7
	Ninth	1,818	10.8	1,623	89.3	43	2.4	152	8.4
	Tenth	2,624	11.9	2,311	88.1	21	0.8	292	11.1
	Total	18,288	12.8	15,955	87.2	201	1.1	2,132	11.7

Table 19. Dispositional Departures by Presumptive Disposition, by Gender, Race/Ethnicity, & Judicial District, 2017

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2017 Rate (%)	2012–16 5-Yr. Rate
	Male	14,703	9,326	146	1.6	5,377	1,812	33.7	32.1
	Female	3,584	3,012	55	1.8	572	320	55.9	52.4
Race & Ethnicity	White	10,480	7,487	122	1.6	2,993	1,156	38.6	37.1
	Black	4,656	2,738	33	1.2	1,918	643	33.5	31.6
	American Indian	1,640	1,105	24	2.2	535	152	28.4	29.0
	Hispanic	942	607	11	1.8	335	110	32.8	29.5
	Asian	514	363	10	2.8	151	60	39.7	30.7
	Other/Unknown	55	38	1	2.6	17	11	64.7	33.3
Judicial District	First	2,404	1,737	34	2.0	667	264	39.6	38.7
	Second	1,815	1,106	12	1.1	709	289	40.8	30.2
	Third	1,426	955	18	1.9	471	173	36.7	34.7
	Fourth	3,819	2,424	26	1.1	1,395	486	34.8	34.5
	Fifth	1,006	706	6	0.8	300	123	41.0	43.9
	Sixth	912	583	8	1.4	329	129	39.2	43.8
	Seventh	1,972	1,320	27	2.0	652	181	27.8	26.2
	Eighth	492	343	6	1.7	149	43	28.9	28.2
	Ninth	1,818	1,305	43	3.3	513	152	29.6	32.5
	Tenth	2,624	1,860	21	1.1	764	292	38.2	33.6
	Total	18,288	12,339	201	1.6	5,949	2,132	35.8	34.0

Table 20. Durational Departures, 1981-2017

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
2017	18,288	13.0	15,912	87.0	215	1.2	2,161	11.8
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, & Judicial District, 2017

		Total Number	Total Durational Departure Rate	All Cases, by Durational Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate	Number	Rate	Number	Rate
	Male	14,703	13.5	12,721	86.5	192	1.3	1,790	12.2
	Female	3,584	11.0	3,191	89.0	23	0.6	370	10.3
Race & Ethnicity	White	10,480	11.3	9,291	88.7	112	1.1	1,077	10.3
	Black	4,656	18.4	3,799	81.6	72	1.5	785	16.9
	American Indian	1,640	9.3	1,488	90.7	14	0.9	138	8.4
	Hispanic	942	10.6	842	89.4	6	0.6	94	10.0
	Asian	514	13.2	446	86.8	10	1.9	58	11.3
	Other/ Unknown	55	16.4	46	83.6	1	1.8	8	14.5
Judicial District	First	2,404	14.0	2,068	86.0	35	1.5	301	12.5
	Second	1,815	16.3	1,519	83.7	15	0.8	281	15.5
	Third	1,426	6.2	1,338	93.8	9	0.6	79	5.5
	Fourth	3,819	24.2	2,896	75.8	75	2.0	848	22.2
	Fifth	1,006	9.2	913	90.8	9	0.9	84	8.3
	Sixth	912	8.6	834	91.4	6	0.7	72	7.9
	Seventh	1,972	8.9	1,797	91.1	15	0.8	160	8.1
	Eighth	492	4.9	468	95.1	3	0.6	21	4.3
	Ninth	1,818	6.7	1,696	93.3	20	1.1	102	5.6
	Tenth	2,624	9.2	2,383	90.8	28	1.1	213	8.1
	Total	18,288	13.0	15,912	87.0	215	1.2	2,161	11.8

Table 22. *Durational Departures for Executed Prison Sentences by Gender, Race/Ethnicity, & Judicial District, 2017*

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2017 Rate	2012–16 5-Yr. Rate
	Male	4,045	24.8	3,042	75.2	109	2.7	894	22.1	25.7
	Female	402	21.6	315	78.4	6	1.5	81	20.1	21.5
Race & Ethnicity	White	2,234	21.0	1,765	79.0	55	2.5	414	18.5	20.0
	Black	1,382	33.6	918	66.4	43	3.1	421	30.5	35.6
	American Indian	449	18.0	368	82.0	9	2.0	72	16.0	17.4
	Hispanic	255	17.6	210	82.4	4	1.6	41	16.1	22.6
	Asian	118	25.4	88	74.6	4	3.4	26	22.0	33.8
	Other/Unknown	9	11.1	8	88.9	0	0.0	1	11.1	50.0
Judicial District	First	487	18.7	396	81.3	14	2.9	77	15.8	19.8
	Second	458	33.0	307	67.0	9	2.0	142	31.0	35.4
	Third	367	10.9	327	89.1	5	1.4	35	9.5	9.3
	Fourth	991	45.8	537	54.2	38	3.8	416	42.0	49.9
	Fifth	208	22.1	162	77.9	4	1.9	42	20.2	20.9
	Sixth	226	15.0	192	85.0	5	2.2	29	12.8	17.0
	Seventh	550	19.5	443	80.5	10	1.8	97	17.6	17.2
	Eighth	135	9.6	122	90.4	2	1.5	11	8.1	6.8
	Ninth	474	12.2	416	87.8	10	2.1	48	10.1	10.3
	Tenth	551	17.4	455	82.6	18	3.3	78	14.2	12.7
	Total	4,447	24.5	3,357	75.5	115	2.6	975	21.9	25.3

County Tables

Table 23. Volume of Offenders Sentenced & Incarceration Rates by County, 2017

County	Number of Offenders Sentenced			Incarceration Type				Total Incarceration	
	2016	2017	Percent Change	Prison		Local Confinement		Number	Rate
				Number	Rate	Number	Rate		
Aitkin	92	121	31.5	23	19	66	55	89	74
Anoka	926	958	3.5	163	17	736	77	899	94
Becker	178	190	6.7	53	28	135	71	188	99
Beltrami	256	265	3.5	72	27	187	71	259	98
Benton	131	138	5.3	41	30	95	69	136	99
Big Stone	7	12	71.4	0	0	12	100	12	100
Blue Earth	362	312	-13.8	61	20	217	70	278	89
Brown	76	66	-13.2	14	21	48	73	62	94
Carlton	130	149	14.6	35	23	103	69	138	93
Carver	173	159	-8.1	41	26	104	65	145	91
Cass	173	157	-9.2	44	28	78	50	122	78
Chippewa	47	41	-12.8	11	27	30	73	41	100
Chisago	158	166	5.1	35	21	121	73	156	94
Clay	212	285	34.4	82	29	202	71	284	100
Clearwater	32	37	15.6	11	30	26	70	37	100
Cook	5	14	180.0	4	29	8	57	12	86
Cottonwood	46	36	-21.7	10	28	19	53	29	81
Crow Wing	226	345	52.7	73	21	145	42	218	63
Dakota	1,210	1,320	9.1	248	19	1,000	76	1,248	95
Dodge	37	42	13.5	19	45	21	50	40	95
Douglas	93	86	-7.5	14	16	72	84	86	100
Faribault	58	51	-12.1	12	24	37	73	49	96
Fillmore	29	22	-24.1	5	23	15	68	20	91
Freeborn	113	121	7.1	32	26	82	68	114	94
Goodhue	180	202	12.2	27	13	171	85	198	98
Grant	4	11	175.0	4	36	7	64	11	100
Hennepin	3,341	3,819	14.3	991	26	2,408	63	3,399	89
Houston	34	32	-5.9	1	3	25	78	26	81
Hubbard	90	105	16.7	28	27	75	71	103	98
Isanti	107	130	21.5	26	20	94	72	120	92
Itasca	248	206	-16.9	52	25	128	62	180	87

County	Number of Offenders Sentenced			Incarceration Type				Total Incarceration	
	2016	2017	Percent Change	Prison		Local Confinement		Number	Rate
				Number	Rate	Number	Rate		
Jackson	21	30	42.9	4	13	20	67	24	80
Kanabec	54	51	-5.6	10	20	41	80	51	100
Kandiyohi	142	161	13.4	57	35	99	61	156	97
Kittson	2	6	200.0	2	33	4	67	6	100
Koochiching	49	58	18.4	16	28	31	53	47	81
Lac Qui Parle	11	16	45.5	6	38	7	44	13	81
Lake	25	25	0.0	3	12	18	72	21	84
Lake of the Woods	19	12	-36.8	3	25	8	67	11	92
Le Sueur	68	49	-27.9	16	33	28	57	44	90
Lincoln	6	1	-83.3	0	0	1	100	1	100
Lyon	69	69	0.0	15	22	52	75	67	97
McLeod	97	125	28.9	29	23	85	68	114	91
Mahnomen	107	114	6.5	25	22	79	69	104	91
Marshall	22	15	-31.8	3	20	8	53	11	73
Martin	106	114	7.5	24	21	88	77	112	98
Meeker	48	60	25.0	21	35	38	63	59	98
Mille Lacs	160	187	16.9	53	28	128	68	181	97
Morrison	105	131	24.8	29	22	98	75	127	97
Mower	169	199	17.8	64	32	75	38	139	70
Murray	20	10	-50.0	1	10	6	60	7	70
Nicollet	61	59	-3.3	10	17	38	64	48	81
Nobles	92	69	-25.0	17	25	39	57	56	81
Norman	26	23	-11.5	5	22	12	52	17	74
Olmsted	476	464	-2.5	127	27	288	62	415	89
Otter Tail	166	212	27.7	51	24	135	64	186	88
Pennington	69	68	-1.4	13	19	25	37	38	56
Pine	193	198	2.6	52	26	144	73	196	99
Pipestone	20	28	40.0	9	32	17	61	26	93
Polk	213	242	13.6	92	38	112	46	204	84
Pope	9	15	66.7	4	27	11	73	15	100
Ramsey	1,784	1,815	1.7	458	25	1,329	73	1,787	98
Red Lake	10	6	-40.0	0	0	5	83	5	83
Redwood	80	108	35.0	19	18	86	80	105	97
Renville	55	58	5.5	9	16	35	60	44	76
Rice	124	169	36.3	35	21	114	67	149	88

County	Number of Offenders Sentenced			Incarceration Type				Total Incarceration	
	2016	2017	Percent Change	Prison		Local Confinement		Number	Rate
				Number	Rate	Number	Rate		
Rock	7	11	57.1	2	18	9	82	11	100
Roseau	54	38	-29.6	12	32	23	61	35	92
St. Louis	702	724	3.1	184	25	473	65	657	91
Scott	422	519	23.0	119	23	348	67	467	90
Sherburne	262	240	-8.4	65	27	164	68	229	95
Sibley	42	30	-28.6	7	23	20	67	27	90
Stearns	545	637	16.9	209	33	417	65	626	98
Steele	127	154	21.3	41	27	104	68	145	94
Stevens	13	14	7.7	1	7	13	93	14	100
Swift	25	27	8.0	7	26	20	74	27	100
Todd	49	45	-8.2	7	16	38	84	45	100
Traverse	12	19	58.3	4	21	13	68	17	89
Wabasha	55	47	-14.5	12	26	31	66	43	91
Wadena	50	61	22.0	11	18	47	77	58	95
Waseca	47	45	-4.3	4	9	29	64	33	73
Washington	528	614	16.3	136	22	453	74	589	96
Watonwan	51	42	-17.6	10	24	29	69	39	93
Wilkin	10	14	40.0	2	14	12	86	14	100
Winona	133	131	-1.5	27	21	81	62	108	82
Wright	292	267	-8.6	64	24	190	71	254	95
Yellow Medicine	49	44	-10.2	9	20	32	73	41	93
Total	16,927	18,288	8.0	4,447	24	12,317	67	16,764	92

Table 24. Dispositional Departure Rates by County, 2017

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate		Number	Rate		Number	Rate
Aitkin	121	99	81.8	86	3	3.5	35	19	54.3
Anoka	958	830	86.6	701	4	0.6	257	124	48.2
Becker	190	168	88.4	122	2	1.6	68	20	29.4
Beltrami	265	245	92.5	193	4	2.1	72	16	22.2
Benton	138	132	95.7	103	2	1.9	35	4	11.4
Big Stone	12	12	100.0	12	0	0.0	0	---	---
Blue Earth	312	270	86.5	216	0	0.0	96	42	43.8
Brown	66	58	87.9	44	0	0.0	22	8	36.4
Carlton	149	126	84.6	108	6	5.6	41	17	41.5
Carver	159	143	89.9	113	4	3.5	46	12	26.1
Cass	157	139	88.5	114	6	5.3	43	12	27.9
Chippewa	41	40	97.6	34	1	2.9	7	0	0.0
Chisago	166	145	87.3	116	1	0.9	50	20	40.0
Clay	285	266	93.3	203	5	2.5	82	14	17.1
Clearwater	37	35	94.6	24	0	0.0	13	2	15.4
Cook	14	12	85.7	9	0	0.0	5	2	40.0
Cottonwood	36	28	77.8	22	1	4.5	14	7	50.0
Crow Wing	345	303	87.8	255	8	3.1	90	34	37.8
Dakota	1,320	1,146	86.8	937	10	1.1	383	164	42.8
Dodge	42	34	81.0	31	6	19.4	11	2	18.2
Douglas	86	84	97.7	70	0	0.0	16	2	12.5
Faribault	51	49	96.1	37	0	0.0	14	2	14.3
Fillmore	22	20	90.9	16	0	0.0	6	2	33.3
Freeborn	121	110	90.9	85	2	2.4	36	9	25.0
Goodhue	202	171	84.7	153	4	2.6	49	27	55.1
Grant	11	10	90.9	8	1	12.5	3	0	0.0
Hennepin	3,819	3,307	86.6	2,424	26	1.1	1,395	486	34.8
Houston	32	29	90.6	29	0	0.0	3	3	100.0
Hubbard	105	104	99.0	79	0	0.0	26	1	3.8
Isanti	130	108	83.1	90	2	2.2	40	20	50.0
Itasca	206	172	83.5	146	6	4.1	60	28	46.7
Jackson	30	21	70.0	17	0	0.0	13	9	69.2
Kanabec	51	41	80.4	32	0	0.0	19	10	52.6

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate		Number	Rate		Number	Rate
Kandiyohi	161	142	88.2	102	3	2.9	59	16	27.1
Kittson	6	4	66.7	2	0	0.0	4	2	50.0
Koochiching	58	51	87.9	43	3	7.0	15	4	26.7
Lac Qui Parle	16	16	100.0	11	0	0.0	5	0	0.0
Lake	25	21	84.0	18	0	0.0	7	4	57.1
Lake of the Woods	12	12	100.0	9	0	0.0	3	0	0.0
Le Sueur	49	44	89.8	32	1	3.1	17	4	23.5
Lincoln	1	1	100.0	1	0	0.0	0	---	---
Lyon	69	54	78.3	42	1	2.4	27	14	51.9
McLeod	125	108	86.4	90	3	3.3	35	14	40.0
Mahnomen	114	104	91.2	85	2	2.4	29	8	27.6
Marshall	15	12	80.0	9	0	0.0	6	3	50.0
Martin	114	100	87.7	79	0	0.0	35	14	40.0
Meeker	60	53	88.3	39	1	2.6	21	6	28.6
Mille Lacs	187	168	89.8	124	1	0.8	63	18	28.6
Morrison	131	119	90.8	96	1	1.0	35	11	31.4
Mower	199	183	92.0	138	4	2.9	61	12	19.7
Murray	10	9	90.0	8	0	0.0	2	1	50.0
Nicollet	59	48	81.4	42	1	2.4	17	10	58.8
Nobles	69	61	88.4	49	1	2.0	20	7	35.0
Norman	23	22	95.7	17	0	0.0	6	1	16.7
Olmsted	464	382	82.3	274	3	1.1	190	79	41.6
Otter Tail	212	176	83.0	136	5	3.7	76	31	40.8
Pennington	68	63	92.6	51	0	0.0	17	5	29.4
Pine	198	177	89.4	140	5	3.6	58	16	27.6
Pipestone	28	27	96.4	21	1	4.8	7	0	0.0
Polk	242	219	90.5	161	10	6.2	81	13	16.0
Pope	15	12	80.0	8	0	0.0	7	3	42.9
Ramsey	1,815	1,514	83.4	1,106	12	1.1	709	289	40.8
Red Lake	6	6	100.0	6	0	0.0	0	---	---
Redwood	108	103	95.4	86	0	0.0	22	5	22.7
Renville	58	47	81.0	39	0	0.0	19	11	57.9
Rice	169	145	85.8	112	0	0.0	57	24	42.1
Rock	11	11	100.0	9	0	0.0	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
Roseau	38	33	86.8	25	1	4.0	13	4	30.8
St. Louis	724	616	85.1	448	2	0.4	276	106	38.4
Scott	519	472	90.9	390	9	2.3	129	38	29.5
Sherburne	240	219	91.3	158	0	0.0	82	21	25.6
Sibley	30	22	73.3	22	3	13.6	8	5	62.5
Stearns	637	556	87.3	385	10	2.6	252	71	28.2
Steele	154	138	89.6	104	1	1.0	50	15	30.0
Stevens	14	13	92.9	12	0	0.0	2	1	50.0
Swift	27	27	100.0	20	0	0.0	7	0	0.0
Todd	45	43	95.6	37	0	0.0	8	2	25.0
Traverse	19	19	100.0	17	0	0.0	2	0	0.0
Wabasha	47	43	91.5	35	1	2.9	12	3	25.0
Wadena	61	52	85.2	44	1	2.3	17	8	47.1
Waseca	45	37	82.2	33	0	0.0	12	8	66.7
Washington	614	556	90.6	439	6	1.4	175	52	29.7
Watonwan	42	37	88.1	33	1	3.0	9	4	44.4
Wilkin	14	10	71.4	8	0	0.0	6	4	66.7
Winona	131	114	87.0	98	1	1.0	33	16	48.5
Wright	267	235	88.0	184	3	1.6	83	29	34.9
Yellow Medicine	44	42	95.5	33	0	0.0	11	2	18.2
Total	18,288	15,955	87.2	12,339	201	1.6	5,949	2,132	35.8

Table 25. *Durational Departures by County for Cases Receiving an Executed Prison Sentence, 2017*

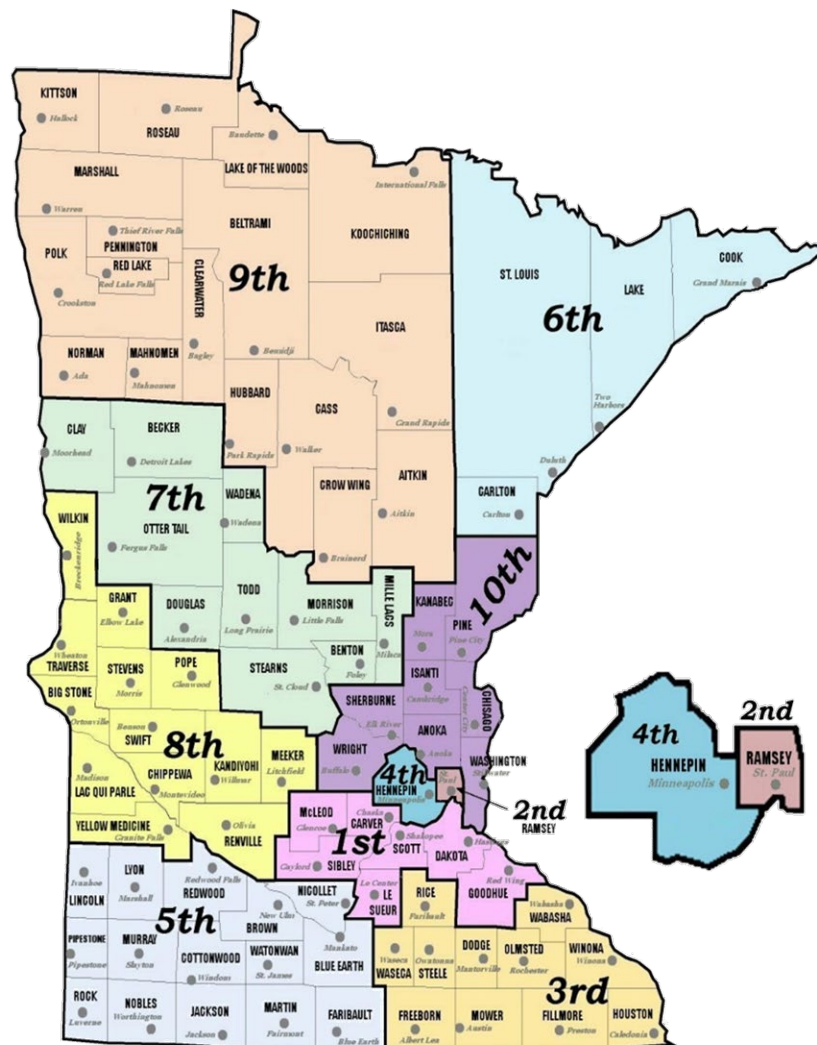
County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	23	19	83	1	4	3	13
Anoka	163	140	86	7	4	16	10
Becker	53	52	98	0	0	1	2
Beltrami	72	67	93	3	4	2	3
Benton	41	39	95	1	2	1	2
Big Stone	0	---	---	---	---	---	---
Blue Earth	61	49	80	2	3	10	16
Brown	14	13	93	0	0	1	7
Carlton	35	26	74	1	3	8	23
Carver	41	38	93	0	0	3	7
Cass	44	40	91	2	5	2	5
Chippewa	11	11	100	0	0	0	0
Chisago	35	25	71	2	6	8	23
Clay	82	74	90	2	2	6	7
Clearwater	11	11	100	0	0	0	0
Cook	4	3	75	0	0	1	25
Cottonwood	10	6	60	0	0	4	40
Crow Wing	73	64	88	2	3	7	10
Dakota	248	186	75	7	3	55	22
Dodge	19	19	100	0	0	0	0
Douglas	14	13	93	0	0	1	7
Faribault	12	9	75	0	0	3	25
Fillmore	5	5	100	0	0	0	0
Freeborn	32	29	91	0	0	3	9
Goodhue	27	21	78	2	7	4	15
Grant	4	4	100	0	0	0	0
Hennepin	991	537	54	38	4	416	42
Houston	1	1	100	0	0	0	0
Hubbard	28	26	93	0	0	2	7
Isanti	26	21	81	1	4	4	15
Itasca	52	48	92	0	0	4	8
Jackson	4	2	50	0	0	2	50
Kanabec	10	10	100	0	0	0	0
Kandiyohi	57	51	89	2	4	4	7
Kittson	2	2	100	0	0	0	0
Koochiching	16	12	75	0	0	4	25

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Lac Qui Parle	6	5	83	0	0	1	17
Lake	3	3	100	0	0	0	0
Lake of the Woods	3	1	33	0	0	2	67
Le Sueur	16	14	88	1	6	1	6
Lincoln	0	---	---	---	---	---	---
Lyon	15	14	93	1	7	0	0
McLeod	29	23	79	1	3	5	17
Mahnomen	25	23	92	0	0	2	8
Marshall	3	3	100	0	0	0	0
Martin	24	7	29	1	4	16	67
Meeker	21	18	86	0	0	3	14
Mille Lacs	53	45	85	1	2	7	13
Morrison	29	23	79	1	3	5	17
Mower	64	58	91	1	2	5	8
Murray	1	1	100	0	0	0	0
Nicollet	10	9	90	0	0	1	10
Nobles	17	14	82	0	0	3	18
Norman	5	5	100	0	0	0	0
Olmsted	127	108	85	0	0	19	15
Otter Tail	51	46	90	1	2	4	8
Pennington	13	13	100	0	0	0	0
Pine	52	44	85	2	4	6	12
Pipestone	9	9	100	0	0	0	0
Polk	92	74	80	2	2	16	17
Pope	4	3	75	0	0	1	25
Ramsey	458	307	67	9	2	142	31
Red Lake	0	---	---	---	---	---	---
Redwood	19	19	100	0	0	0	0
Renville	9	8	89	0	0	1	11
Rice	35	32	91	2	6	1	3
Rock	2	1	50	0	0	1	50
Roseau	12	8	67	0	0	4	33
St. Louis	184	160	87	4	2	20	11
Scott	119	107	90	3	3	9	8
Sherburne	65	60	92	2	3	3	5
Sibley	7	7	100	0	0	0	0
Stearns	209	135	65	4	2	70	33
Steele	41	37	90	1	2	3	7

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Stevens	1	1	100	0	0	0	0
Swift	7	7	100	0	0	0	0
Todd	7	7	100	0	0	0	0
Traverse	4	3	75	0	0	1	25
Wabasha	12	10	83	1	8	1	8
Wadena	11	9	82	0	0	2	18
Waseca	4	4	100	0	0	0	0
Washington	136	102	75	3	2	31	23
Watonwan	10	9	90	0	0	1	10
Wilkin	2	2	100	0	0	0	0
Winona	27	24	89	0	0	3	11
Wright	64	53	83	1	2	10	16
Yellow Medicine	9	9	100	0	0	0	0
Total	4,447	3,357	75	115	3	975	22

Appendixes

Appendix 1. Minnesota Judicial District Map



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

Source: Minn. Judicial Branch.

Appendix 2. Standard Sentencing Guidelines Grid – Effective August 1, 2017

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>)	11	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> ²	426 <i>363-480</i> ²
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (<i>unintentional murder</i>)	10	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>	9	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>Agg. Robbery, 1st Degree;</i> <i>Burglary, 1st Degree (w/ Weapon</i> <i>or Assault)</i>	8	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI;</i> <i>Financial Exploitation of a</i> <i>Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84</i> ²
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied</i> <i>Dwelling)</i>	6	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>	5	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>	4	12 ¹	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>	3	12 ¹	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>	2	12 ¹	12 ¹	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19 <i>17-22</i>

¹ 12¹=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.


² 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.


Appendix 3. Sex Offender Grid – Effective August 1, 2017

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		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or More
<i>CSC 1st Degree</i>	A	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> ²
<i>CSC 2nd Degree–(c)(d)(e)(f)(h) Prostitution; Sex Trafficking</i> ³ <i>1st Degree–1(a)</i>	B	90 <i>90³-108</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> ²
<i>CSC 3rd Degree–(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2nd Degree–1a</i>	C	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> ²
<i>CSC 2nd Degree–(a)(b)(g) CSC 3rd Degree–(a)(e)(f) or(b)with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)</i>	D	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 4th Degree–(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography</i> ²	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> ²
<i>CSC 4th Degree–(a)(b)(e)(f); CSC 5th Degree; Possession of Child Pornography (Subsequent or by Predatory Offender)</i>	F	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 3rd Degree–(b) with subd. 2(2); Indecent Exposure Possession of Child Pornography; Solicit Child for Sexual Conduct</i> ²	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> ²
<i>Registration Of Predatory Offenders</i>	H	12 ¹ <i>12¹-14</i>	14 <i>12¹-16</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>

¹ 12¹=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.

² 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.

³ 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.)

Appendix 4. Drug Offender Grid – Effective August 1, 2017

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 <i>italics</i>)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	D9	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>	D8	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>	D7	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 Failure to Affix Stamp</i>	D6	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>	D5	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>	D4	12 ¹	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>	D3	12 ¹	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>	D2	12 ¹	12 ¹	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	D1	12 ¹	12 ¹	12 ¹	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).

¹ 12¹=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.