
2021 Sentencing Practices

Annual Summary Statistics for Felony Cases
Sentenced in 2021

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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, given that person's conviction offense and criminal record.

The system is intended to ensure that those 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. 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 those 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. Those 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.

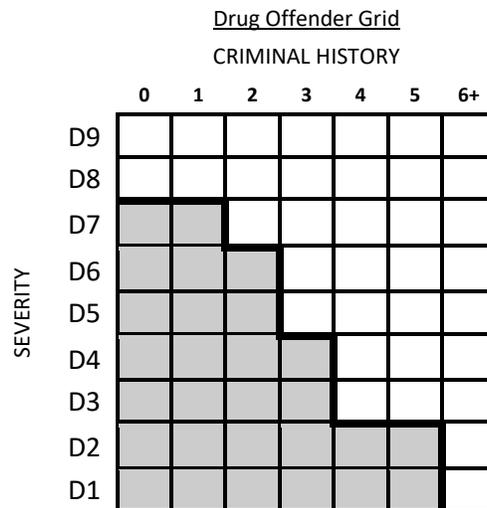
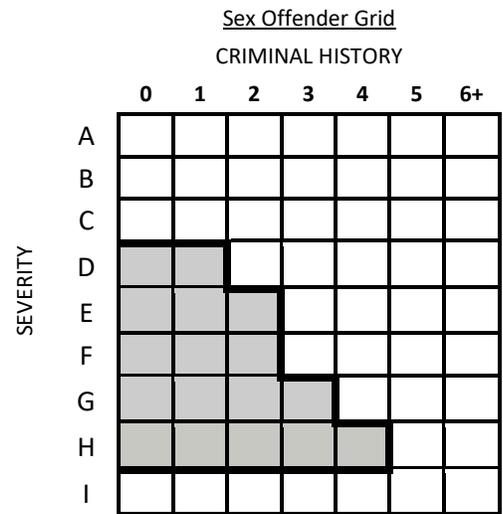
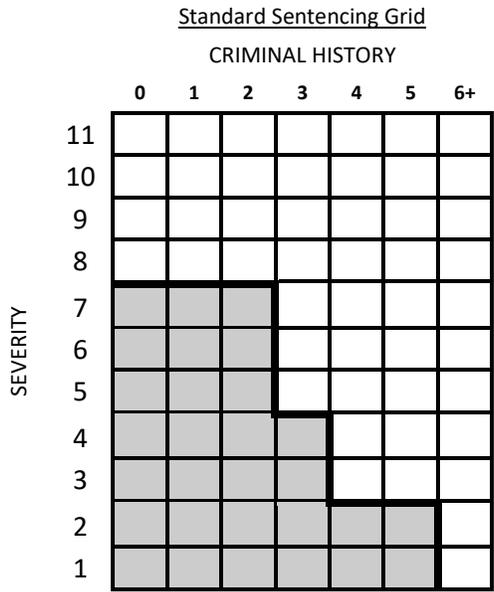
How the Sentencing Guidelines Work

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 I¹ to A (most serious), is used for sentencing sex offenses. A separate Drug Offender Grid, with severity levels from D1 to D9 (most serious), is used for sentencing drug offenses.

The horizontal axis represents the defendant’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 current offense was committed while confined or under community supervision.



¹ Effective September 15, 2021, the severity level of failure to register as a predatory offender was renamed from Severity Level H to Severity Level I. Failure to register as a predatory offender, which carries a mandatory minimum prison sentence (Minn. Stat. § [243.166](#)), is ranked alone at that severity level. The recommended Guidelines disposition for Severity Level I is therefore commitment.

Presumptive Sentence

The recommended Guidelines sentence (presumptive sentence) is generally found in the cell of the Sentencing Guidelines Grid where the 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 defendant 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.

For cells within the white area of the Grids (generally above and to the right of the solid line), the Guidelines recommend incarceration in state prison for a specified duration. The Guidelines provide a range of 15 percent downward and 20 percent upward from that 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 26.)

Regardless of whether 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](#), an executed prison sentence 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. In addition, certain offenses (such as criminal sexual conduct and felony DWI) require a period of conditional release to be served upon release from prison.

The Department of Corrections may extend imprisonment time for violations of prison disciplinary rules or conditions of supervised release. This extension period could result in service of the entire executed sentence in prison—or more, if conditional release applies.

The presumptive Guidelines sentence cannot always be determined by simply looking at one of the sentencing grids. Due to mandatory minimum sentences and other enhanced sentences provided by the Legislature, the presumptive Guidelines sentence is sometimes more severe than it might appear from the grids alone.

It is not possible to fully explain all sentencing 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:

2021

Severity Level H was renamed Severity Level I to accommodate a new Severity Level H on the Sex Offender Grid.

2020

A five-year presumptive probation cap, subject to departure, was established for most felonies.

2019

Changes to the criminal history score, intended to improve fairness and rationality, were made. The custody status point became waivable in certain circumstances. A sentencing enhancement for repeat severe violent offenders was added.

2016

A separate Drug Offender Grid was introduced with severity levels D1–D9. The new grid was similar to the standard grid, but D7—similar to level 8 on the standard grid—had a presumptive stayed disposition at criminal history scores of zero and one, and D8 had new presumptive durations.

2006

A separate Sex Offender Grid was introduced with severity levels H–A. 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

In response to a judicial requirement that a jury find aggravating factors,² 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 higher severity levels renumbered accordingly.

1997

A package of changes, which increased sentences in some cells and decreased sentences in other cells at severity levels 2–6, went into effect.

1989

Presumptive durations at severity levels 7–10 were increased significantly—doubled, in some cases—and a weighting scheme was implemented for prior felonies. Previously, prior felonies, regardless of severity, had been given one point in the criminal history score.

² See footnotes 21 & 22 (p. 35) and accompanying text.

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 everyone convicted of a felony in adult court and sentenced under the Guidelines in Minnesota. A “case” is defined when a sentencing worksheet is received from the probation officer and matched with sentencing data from the District Court. A person 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 person sentenced (e.g., date of birth, gender, race or ethnicity), the person’s criminal history, the conviction offense(s), 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 calendar year. The slight shift in the time frames does not significantly interfere with analysis.

Data for Cases Sentenced in 2021

The following pages display summary data 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 criminal history. In most cases, the recommended sentence is applied.

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 cases (e.g., by gender, race/ethnicity, or judicial district). For example, if in a particular district the proportion of serious person offenses is relatively high, the imprisonment rate for that district will likely be higher than for districts with predominantly lower-severity offenses.

Case Volume and Distribution

In 2021, 14,429 people were sentenced for felony offenses in Minnesota, which was a 25.3 percent increase from the 11,517 people sentenced in 2020 and the largest single-year increase in MSGC history. This record single-year increase followed 2020's record single-year decline, which had been related to the COVID-19 pandemic.³ All seven offense categories increased from 2020 to 2021. This increase ranged from more than 20 percent to 33 percent. Property, weapons, felony DWI, and the "other" category increased the most.

In the nine years before 2020—from 2010 to 2019—felony case volume had generally grown. The number of drug offenses had grown by 56 percent between those years, accounting for most of that period's 21-percent overall growth in case volume. Only the "weapon"⁴ category had surpassed the drug category in growth from 2010 to 2019 (77.5% increase). The specific "weapon" offense that had contributed the most to that growth was possession of a firearm by a felon convicted of a crime of violence, which had increased from 234 cases in 2010 to 473 cases in 2019—a 102 percent increase. Person offenses had grown by ten percent during these nine years, while property offenses had the smallest growth rate, at eight percent. Non-CSC sex offenses⁵ had grown by 13 percent, and "other"⁶ offenses had grown by 32 percent. The only offense category that had showed a decline from 2010 to 2019 was felony driving while impaired (DWI), which had fallen by 20 percent.

The total volume of cases sentenced over time is illustrated in Figure 1 (p. 7), and changes in annual growth rates are illustrated in Figure 2 (p. 8). In addition to the growth from 2010 to 2019, discussed above, significant growth also occurred between 2001 and 2006, when the total volume of cases sentenced had risen by 52 percent. That increase was largely attributable to growth in the number of drug cases, particularly involving methamphetamine, as well as the implementation of the felony DWI law.

³ Due to the COVID-19 health pandemic, case volume data in 2020 and 2021 are not typical and should be reviewed in that context. In 2020, the Minnesota Judicial Branch limited in-person judicial proceedings, and reported a 32-percent increase in its major criminal case backlog due to the pandemic. Minn. Judicial Branch, *Annual Report 2020* (July 2021), pp. 11–14 (retrieved June 24, 2022, at <https://mncourts.gov/mncourtsgov/media/PublicationReports/MJB-Annual-report-2020.pdf>). For general context, refer to the emergency executive orders Governor Tim Walz issued from March 13, 2020, to June 14, 2021, at <https://www.lrl.mn.gov/execorders/eoresults?gov=44&title=Emergency> (retrieved March 20, 2023). While 2021 case volume did not return to pre-pandemic levels, it represented a significant rebound from the reduction seen in 2020.

⁴ "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.

⁵ "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).

⁶ "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.

Figure 1. Number of Cases Sentenced for Felony Convictions, 1981–2021

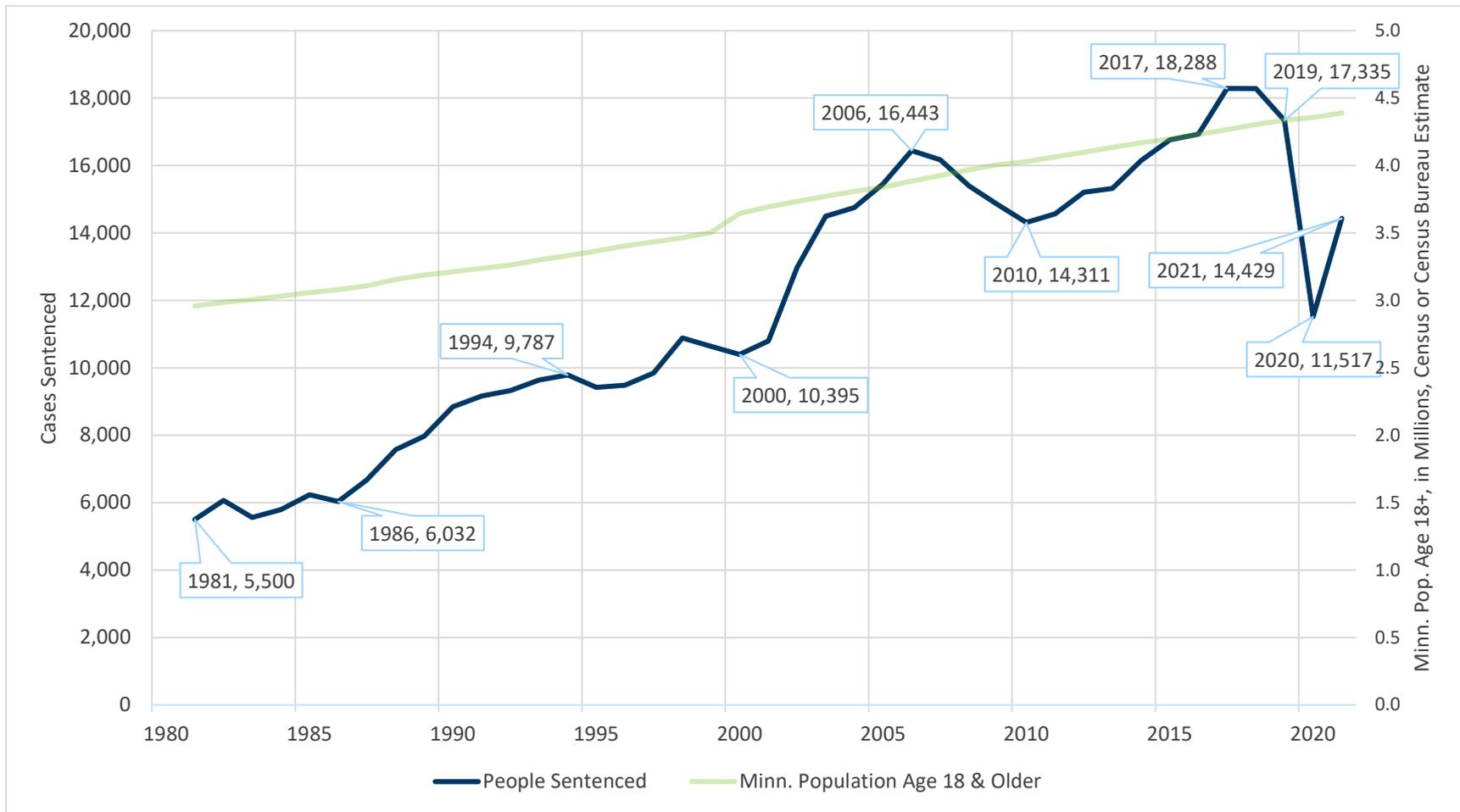
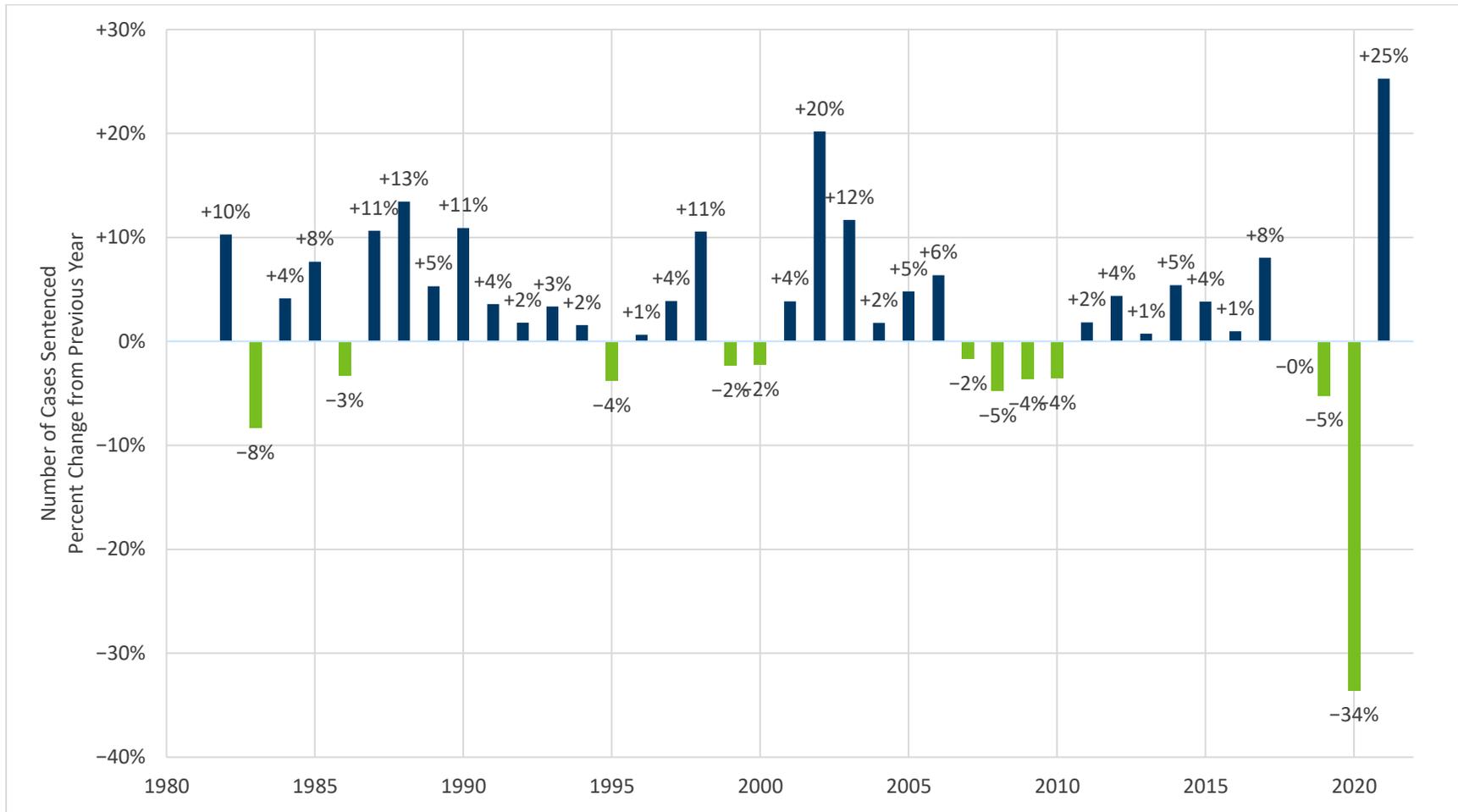


Figure 2. Annual Percent Change in Number of Cases Sentenced for Felony Convictions, 1982–2021



Changes in Case Volume by Offense Type

Figure 3 (p. 12) shows recent trends in felony case volume by offense types. While cases are divided into seven offense types, the first three offense categories (in bold) generally total at least 85 percent of each year's case volume:

- **Person offenses** (including criminal sexual conduct (CSC), sex trafficking, prostitution, and use of minors in sexual performance);
- **Drug offenses;**
- **Property offenses;**
- Felony DWI;
- Non-CSC sex offenses;
- Weapon offenses; and
- Other offenses.⁷

Figure 4 (p. 13) displays the year-to-year percent change in case volume by offense type.

Person Offenses

The number of person offenses increased in most years from 2001 to 2018, followed by decreases in 2019 and 2020 (Figure 4, p. 13). In 2021, person offenses increased by twenty percent, to 4,437 cases, accounting for 31 percent of all felony crimes (Figure 3, p. 12).

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 2021, there were 383 CSC cases, up 28 percent from 2020 (300 cases). Years 2021 and 2020 were the lowest numbers since 1983 (the previous lowest number was 481 cases in 2016). The number has fluctuated since 1981, peaking at 880 cases in 1994 (more than double 2021's case volume). Almost all growth since 1981 has been in the CSC child provisions (intra-familial sex abuse and provisions specifying the age of the victim).

- *Domestic Assault-Related*

Much of the growth in person offenses has been attributable to an increase in domestic assault-related cases, 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.⁸ The

⁷ For a description of what offenses are included within the categories "Non-CSC sex offenses," "Weapon," and "Other," refer to footnotes 4–6 (p. 6).

⁸ [2006 Minn. Laws ch. 260, art. 1, §§ 12 & 19.](#)

number of felony domestic-assault cases grew dramatically from 2006 (100 cases) to its 2014 peak (612 cases). Between 2011 and 2019, the domestic-assault case volume has fluctuated between 521 and 612 cases. The 2020 case volume (411 cases) was a 31-percent decrease from 2019. In 2021, the case volume increased by six percent, to 436 cases.

With respect to domestic assault by strangulation, 202 cases were sentenced in 2021, a 17-percent increase from 2020 (172 cases). This followed a 30-percent decrease from 2019 (246 cases) to 2020. The 2020 and 2021 case volumes were the lowest since the crime was established in 2005⁹ (Figure 5, p. 14).

Violations of domestic abuse no contact orders (VDANCO) have increased in all but three of the years following the offense's 2007 creation, peaking at 623 cases in 2019.¹⁰ Compared to 2020, the number of VDANCO cases in 2021 increased 11 percent, to 582 cases. Violations of harassment restraining orders (VHRO)¹¹ grew by 21 percent in 2021, as did violations of orders for protection (VOFP). Combined, the total number of cases for VDANCO, VHRO, and VOFP grew by 13 percent between 2020 and 2021 (Figure 5, p. 14).

- *Other Assault*

The number of first- through (felony) fifth-degree assault cases has fluctuated in recent years—remaining nearly flat (2014–15), decreasing in 2016 and 2018–20, and increasing in 2017 and 2021. In 2021, there was an increase in all five degrees, resulting in a total 35-percent in felony assaults (Figure 5, p. 14).

Drug Offenses

Drug offenses grew for seven consecutive years from 2010 to 2017, making drug offenses the largest offense category from 2016 through 2019 (Figure 3, p. 12). That changed in 2020 and 2021, when person offenses reclaimed the status of the largest offense category (person offenses accounting for 32% of cases in 2020 and 31% in 2021, and drug offenses accounting for 28% in 2020 and 27% in 2021). The 2021 case volume (3,912 cases) was a 22-percent increase from 2020 (Figure 4, p. 13).

Property Offenses

The property offense category has declined in most years since 2006 (Figure 4, p. 13). After increasing in 2017 and 2018 and decreasing in 2019 and 2020, the volume of property offenses increased by 32 percent in 2021. As a share of all felony cases, the property offense category fell from 30 percent in 2012 to 26 percent in 2021. Before 2003, property offenses had comprised over 40 percent of the cases sentenced (Table 5, p. 43).

Felony DWI

The number of felony DWI cases peaked in 2004, at 860, and has declined in most years since. The 2021 volume, 525 cases, was 61 percent of that peak volume and 29 percent higher than the 2020 DWI volume. In the five

⁹ [2005 Minn. Laws ch. 136](#), art. 17, § 13 (establishing felony domestic assault by strangulation).

¹⁰ [2007 Minn. Laws ch. 54, art. 2, § 1](#) (enhancing DANCO violations by repeat offenders to felony level).

¹¹ This offense is not necessarily related to domestic assault, as the victim need not be a relative of the perpetrator.

years between 2012 and 2017, the numbers had fluctuated sharply (Figure 4, p. 13)—possibly in connection with the timing of legal challenges to DWI laws and evidence-collection practices—with less dramatic decreases in 2018 and 2019.

Non-CSC Sex Offenses

Case volume in the non-CSC sex offense category increased by 28 percent in 2021 (Figure 4, p. 13). The most common offense in this category, failure to register as a predatory offender, increased by 25 percent (from 234 in 2020 to 293 in 2021). In 2021, child pornography case volume was up by 44 percent (88 cases) from the 2020 volume, which was the lowest ever observed (61 cases).

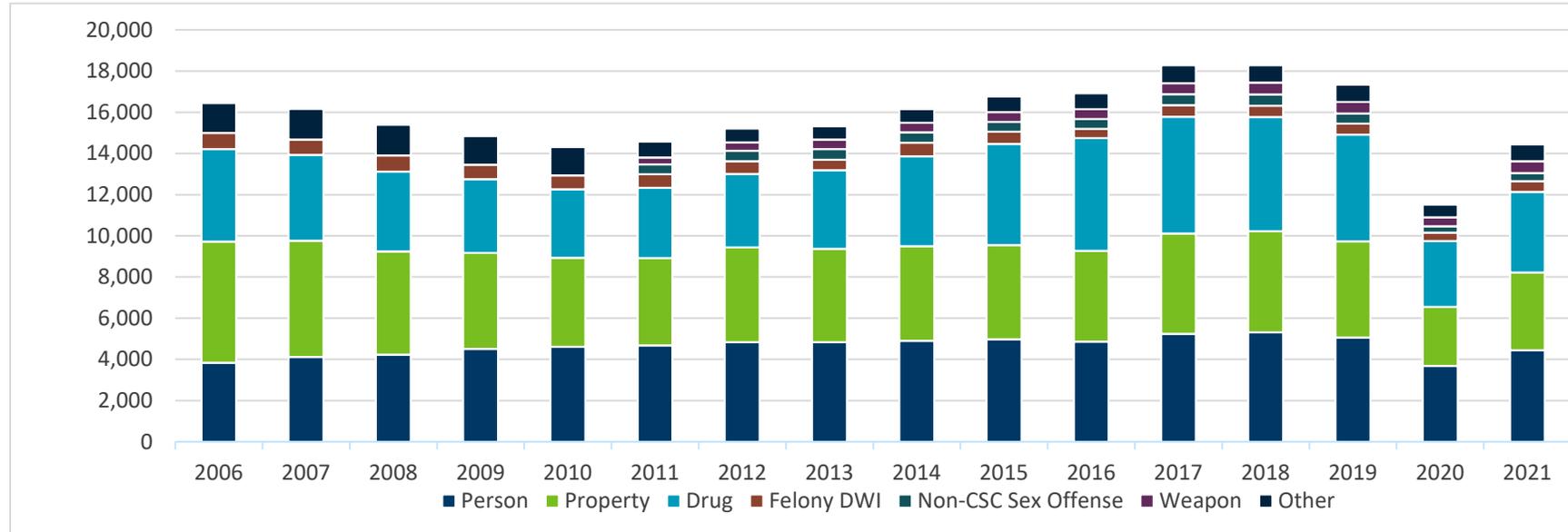
Weapon Offenses

The number of weapon offenses sentenced increased 33 percent from 2020 to 2021 (Figure 4, p. 13). Ineligible felon in possession of firearm/ammunition increased by 36 percent (from 354 to 483).

Other Offenses

The number of cases in the “other” offense category—largely crimes against the government—increased by 29 percent. Fleeing a peace officer, which accounts for more than half the offenses in this category, increased from 476 cases in 2020 to 637 cases in 2021 (up 34%). Tax offenses saw an increase to 23 cases from 8 cases in 2020. Failure to appear in court went from 19 cases in 2019, to 15 cases in 2020, to 11 cases in 2021. After an 81 percent increase from 2015 to 2017 (from 64 to 116 cases), the number of escape from custody cases has decreased in subsequent years—most recently, down from 52 cases in 2020 to 44 cases in 2021.

Figure 3. Number of Cases Sentenced by Offense Type, 2006–2021

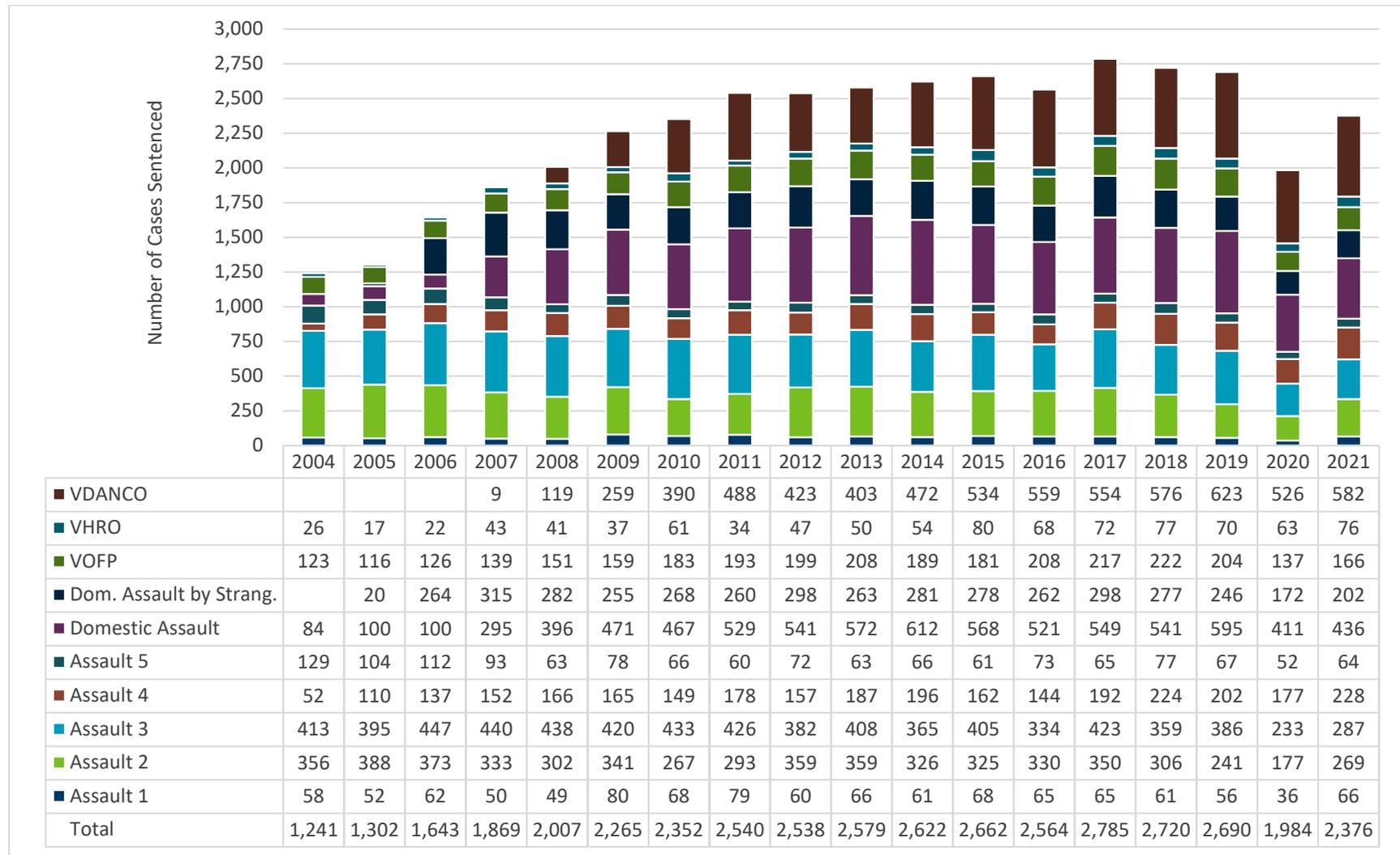


Offense Type		2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
● Person	#	3,839	4,117	4,238	4,517	4,605	4,685	4,841	4,836	4,905	4,982	4,857	5,237	5,313	5,060	3,687	4,437
	%	23.3	25.5	27.5	30.4	32.2	32.2	31.8	31.6	30.4	29.7	28.7	28.6	29.1	29.2	32.0	30.8
● Property	#	5,886	5,650	5,003	4,651	4,334	4,232	4,604	4,528	4,589	4,575	4,411	4,870	4,918	4,675	2,858	3,784
	%	35.8	34.9	32.5	31.3	30.3	29.0	30.3	29.6	28.4	27.3	26.1	26.6	26.9	27.0	24.8	26.2
● Drug	#	4,484	4,166	3,878	3,578	3,326	3,409	3,552	3,821	4,363	4,913	5,475	5,670	5,536	5,175	3,205	3,912
	%	27.3	25.8	25.2	24.1	23.2	23.4	23.4	24.9	27.0	29.3	32.3	31.0	30.3	29.9	27.8	27.1
● Felony DWI	#	788	735	779	704	667	660	631	510	656	587	475	570	555	534	407	525
	%	4.8	4.5	5.1	4.7	4.7	4.5	4.1	3.3	4.1	3.5	2.8	3.1	3.0	3.1	3.5	3.6
● Non-CSC Sex Offense	#						476	495	518	507	471	451	527	539	491	300	383
	%						3.3	3.3	3.4	3.1	2.8	2.7	2.9	2.9	2.8	2.6	2.7
● Weapon Offense	#						346	411	466	467	477	483	537	579	559	435	580
	%						2.4	2.7	3.0	2.9	2.8	2.9	2.9	3.2	3.2	3.8	4.0
● Other	#	1,446	1,499	1,496	1,390	1,379	765	677	642	659	758	775	877	844	841	625	808
	%	8.8	9.3	9.7	9.4	9.6	5.3	4.5	4.2	4.1	4.5	4.6	4.8	4.6	4.9	5.4	5.6
Total	#	16,443	16,167	15,394	14,840	14,311	14,571	15,207	15,318	16,145	16,763	16,927	18,288	18,284	17,335	11,517	14,429

Figure 4. Cases Sentenced, Percent Change from Previous Year, by Offense Type, 2000–2021

Year Sentenced	Total (All Offenses)	Person	Property	Drug	Felony DWI	Non-CSC Sex Offense	Weapon	Other
2000	-2.2%	-5.1%	-7.4%	+8.6%				+4.2%
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%
2018	-0.0%	+1.5%	+1.0%	-2.4%	-2.6%	+2.3%	+7.8%	-3.8%
2019	-5.2%	-4.8%	-4.9%	-6.5%	-3.8%	-8.9%	-3.5%	-0.4%
2020	-33.5%	-27.1%	-38.9%	-38.0%	-23.8%	-38.9%	-22.2%	-25.7%
2021	+25.3%	+20.3%	+32.4%	+22.0%	+29.0%	+27.7%	+33.3%	+29.3%

Figure 5. Number of Cases Sentenced, Assault and Restraining Order Offenses, 2004–2021



Distribution of Cases by Gender, Race/Ethnicity and Judicial District

Of those sentenced in 2021, 81.2 percent were male and 18.8 percent were female. 2018 was the only year females accounted for more than 20 percent of cases (Table 4, p. 41). Figure 6 shows the gender composition of cases from 1981 through 2021.

Figure 6. Distribution of Cases by Gender, 1981–2021

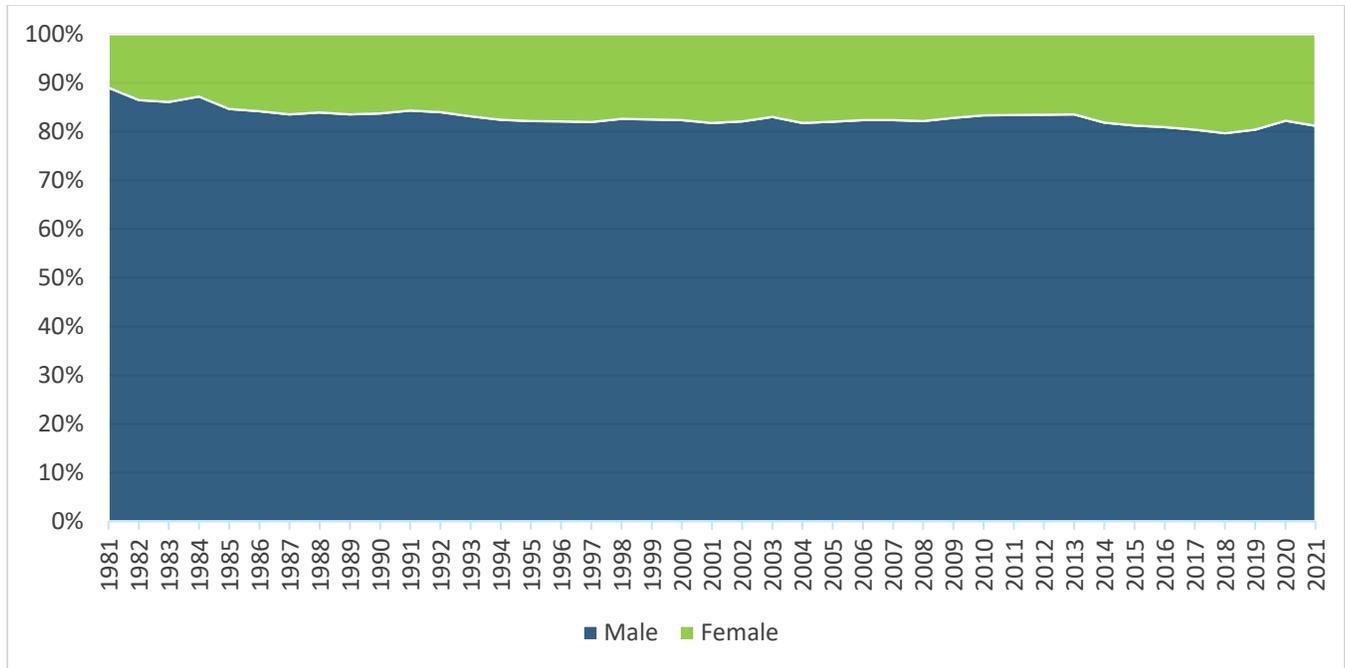


Figure 7 (p. 16) shows the racial or ethnic composition of those sentenced from 1981 through 2021. The white percentage decreased by 25 points between 1981 (81.8%) and 2009 (56.5%). This was largely due to an increase in the black percentage, although the percentages of other races or ethnicities (particularly Hispanic) also increased. From 2020 to 2021, the white percentage increased from 56.6 percent to 56.9 percent. The black percentage decreased from 26.0 percent in 2020 to 25.5 percent in 2021. The American Indian percentage rose from 9.2 percent in 2020 to 9.3 percent in 2021, a record high percentage. The Hispanic percentage increased (5.3% in 2020 and 5.5% in 2021), while the Asian percentage remained unchanged at 2.7 percent.

Figure 8 (p. 16) displays the distribution of the racial or ethnic composition of those sentenced in 2021 by Minnesota’s ten judicial districts. In all but two districts, the white percentage exceeded 50 percent. In the Fourth Judicial District (Hennepin County, including Minneapolis), the black percentage was 55 percent, and in the Second Judicial District (Ramsey County, including St. Paul), the black percentage was 49 percent, with no racial or ethnic group comprising a majority. More information on case volume and distribution can be found in tables 4–10c (pp. 41–56). County-level information can be found in tables 23–25 (pp. 73–78). A map of the judicial districts can be found in Appendix 1 (p. 81).

Figure 7. Distribution of Cases by Race/Ethnicity, 1981–2021

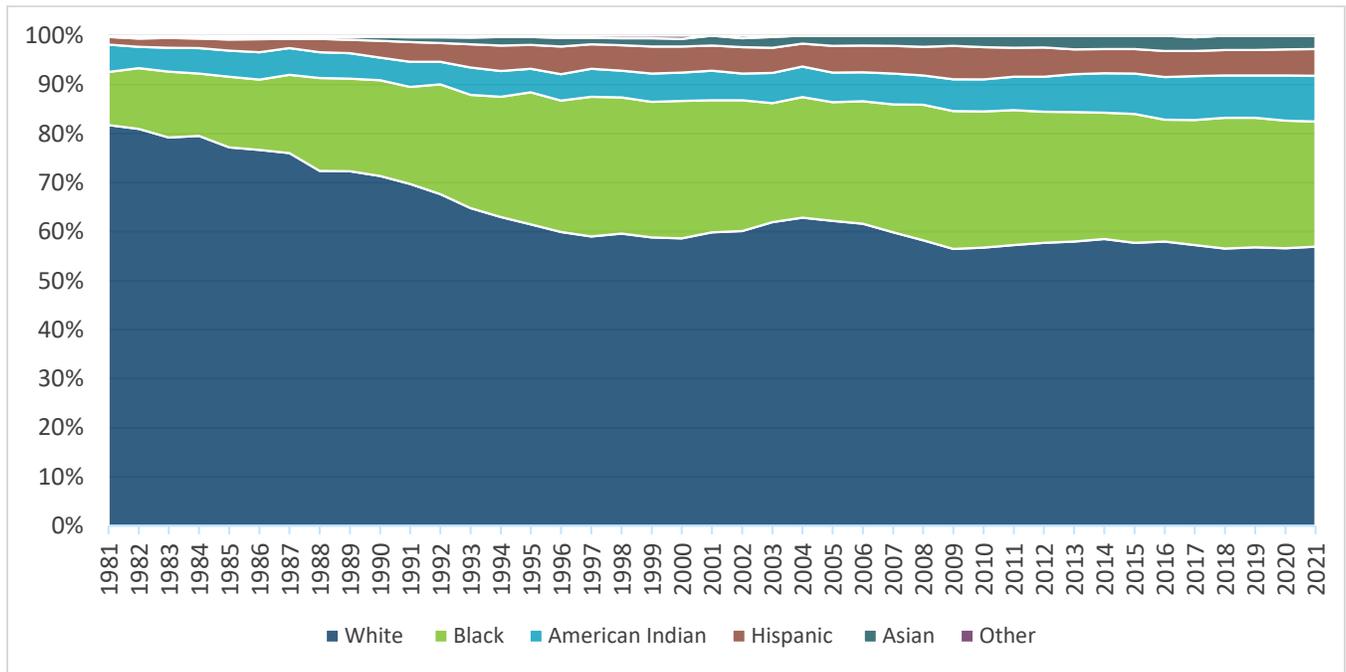
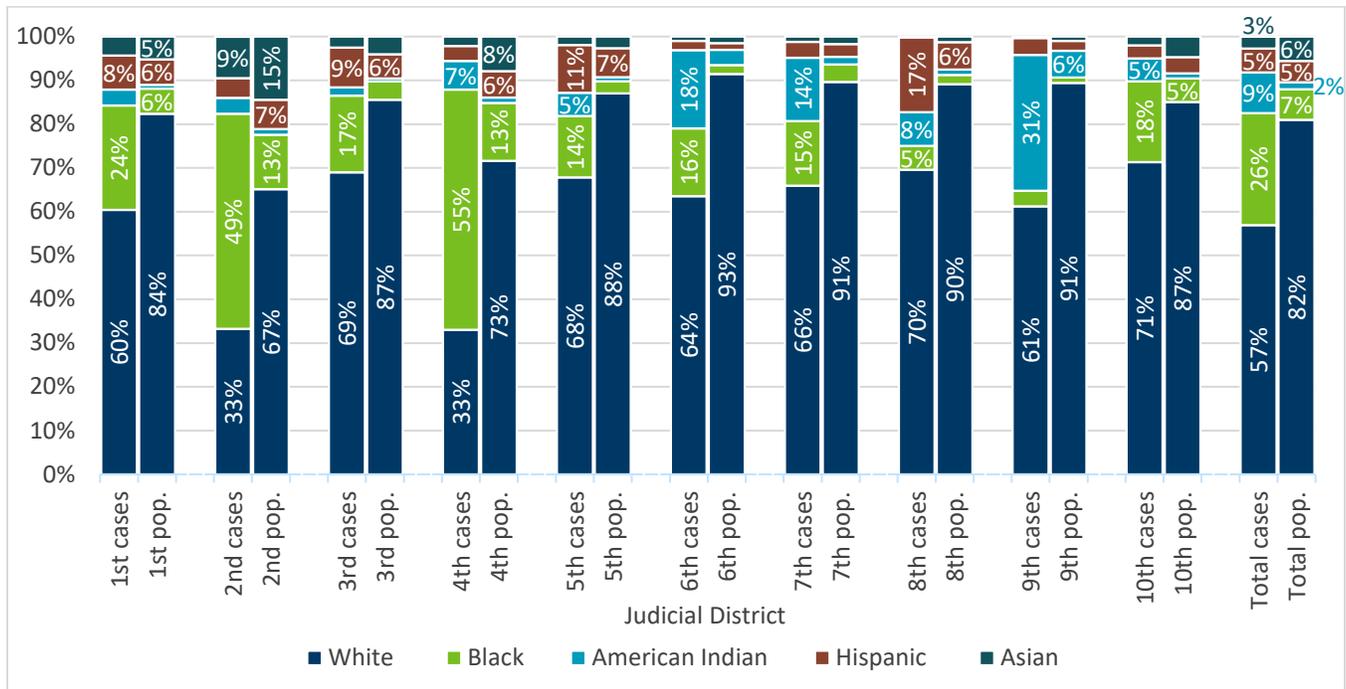


Figure 8. Distribution of Cases and Population by Race and Judicial District, 2021



Residential population age 15 or older as of July 1, 2021, as estimated by the U.S. Census Bureau (Nov. 2022). The sums of the residential population percentages exceed 100 percent because, except for Hispanic residents, residents of more than one race are counted in more than one category. For judicial districts, values below 5.0 percent are not displayed.

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 criminal history score. In cases in which prison sentences are stayed, the court usually places the defendant on probation. As a condition of probation, the court may 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 few specific guidelines to the court regarding the imposition of these intermediate sanctions.¹² MSGC's monitoring system, which provided the information used in this report, includes limited information regarding these sanctions. This monitoring system contains information on whether the court pronounced local confinement time as a condition of 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.¹³ The local incarceration rate reported in this data summary represents the percentage of felony convictions for which the court pronounced local confinement time as a condition of a stayed sentence or for which the felony conviction was sentenced as a misdemeanor or gross misdemeanor.

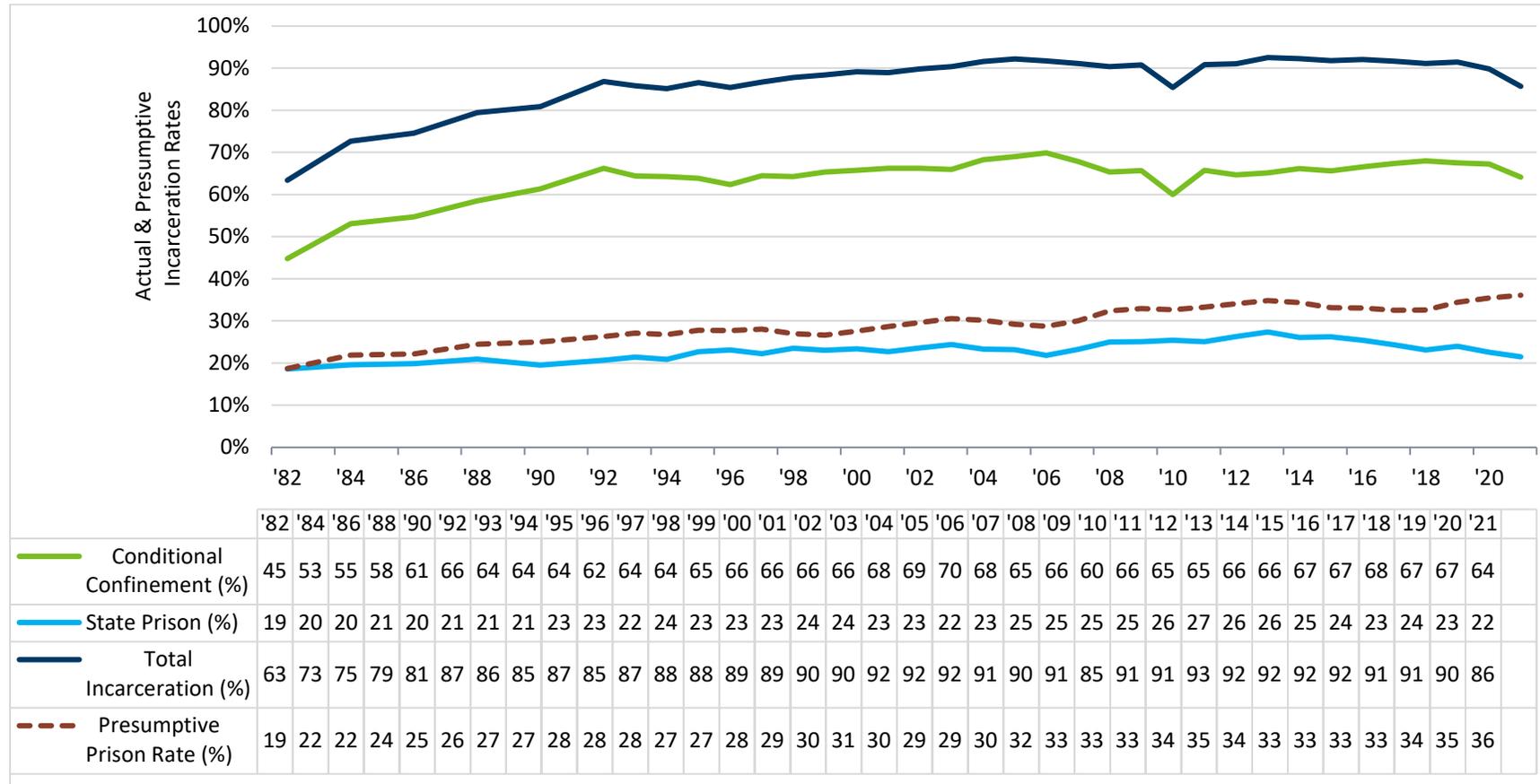
The total incarceration rate—which describes the percentage of cases in which the sentence included incarceration in a state prison or local correctional facility, such as a county jail or workhouse—was 85.7 percent in 2021. Figure 9 (p. 18) shows the total incarceration rate, as well as the separate rates for prison and local confinement, from 1982 to 2021. 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, 2020, and 2021 (85.7%) the total incarceration rate has remained above 90 percent since 2003.

¹² For general guidance, see 2021 Minn. Sentencing Guidelines § 3.A. The presumptive five-year probation cap mentioned on page 4, above, took effect for offenses committed on or after August 1, 2020.

¹³ For a discussion of probation revocations, see MSGC's most recent Probation Revocation report under "Special Topics" at <http://mn.gov/sentencing-guidelines/reports>.

The 2012–2015 imprisonment rates were the highest observed since the Guidelines were implemented. The imprisonment rate declined from 26.2 percent in 2015 to 22.6 percent in 2020. In 2021, the imprisonment rate further decreased to 21.5 percent. Of those who did not receive an executed prison sentence, 81.7 percent received local confinement.¹⁴

Figure 9. Actual & Presumptive Incarceration Rates, 1982, 1984, 1986, 1988, 1990, 1992–2021



¹⁴ This figure includes either confinement time as a condition of probation or a non-felony local confinement sentence. See Table 1. Of the 14,429 cases, 3,104 received prison and 11,325 did not. The 9,258 receiving local confinement totaled 81.7% of the 11,325 not receiving prison.

For comparison, Figure 9 also displays the Guidelines-recommended (“presumptive”) imprisonment rate over time. More cases are recommended imprisonment than actually receive prison sentences. In 2021, the Sentencing Guidelines recommended imprisonment in 36.1 percent of cases, compared to the actual imprisonment rate of 21.5 percent. The difference between these two rates—of 14.6 percentage points—was easily the largest disparity between presumptive and actual imprisonment rates on record. See tables 11–13 (pp. 57–61) for presumptive imprisonment rates over time by race, gender, and judicial district.

Incarceration by Race/Ethnicity and Judicial District

Table 1 provides total incarceration information for cases sentenced in 2021. “Total Incarceration” includes all sentences that included a prison sentence or local confinement time as a condition of a stayed sentence. When comparing imprisonment rates across various demographic groups (sex, race/ethnicity, or judicial district), it is important to note that much of the variation is directly related to the proportion of cases in any particular group recommended a prison sentence by the Guidelines. Tables 11–13 (pp. 58–61) display presumptive imprisonment rates.

Table 1. Incarceration Rates by Gender, Race/Ethnicity, and Judicial District, 2021

	Total Number	Total Incarceration		Local Confinement		State Prison				
		Number	Rate (%)	Number	Rate (%)	Number	2021 Rate (%)	2016–20 5-Yr. Rate	2017–21 5-Yr. Rate	
Male	11,715	10,195	87.0	7,294	62.3	2,901	24.8	27.1	26.4	
Female	2,712	2,167	79.9	1,964	72.4	203	7.5	10.9	9.9	
Race & Ethnicity	White	8,217	6,981	85.0	5,390	65.6	1,591	19.4	21.0	20.4
	Black	3,684	3,142	85.3	2,236	60.7	906	24.6	29.9	28.6
	American Indian	1,348	1,185	87.9	862	63.9	323	24.0	24.9	24.3
	Hispanic	788	713	90.5	511	64.8	202	25.6	27.4	26.2
	Asian	389	340	87.4	258	66.3	82	21.1	21.7	21.3
	Other/Unknown	1	1	100.0	1	100.0	0	0.0	10.5	11.0
Judicial District	First	2,061	1,790	86.9	1,404	68.1	386	18.7	19.4	19.1
	Second	1,352	1,292	95.6	1,004	74.3	288	21.3	25.0	23.6
	Third	955	766	80.2	551	57.7	215	22.5	24.5	24.1
	Fourth	2,541	1,897	74.7	1,330	52.3	567	22.3	26.5	25.3
	Fifth	964	848	88.0	641	66.5	207	21.5	20.8	20.7
	Sixth	702	592	84.3	463	66.0	129	18.4	21.7	21.1
	Seventh	1,693	1,582	93.4	1,153	68.1	429	25.3	27.5	26.7
	Eighth	532	486	91.4	377	70.9	109	20.5	26.2	24.2
	Ninth	1,490	1,199	80.5	818	54.9	381	25.6	25.6	25.6
	Tenth	2,139	1,910	89.3	1,517	70.9	393	18.4	21.5	20.6
Total	14,429	12,362	85.7	9,258	64.2	3,104	21.5	24.0	23.2	

Race/Ethnicity

Some variation in the 2021 total incarceration rate was observed across the five racial or ethnic groups (Figure 10, p. 21), ranging from 85 percent (observed in the white group) to 90.5 percent (observed in the Hispanic group). Variation was also seen in the separate rates for local confinement and for prison. Comparing the Guidelines-recommended presumptive imprisonment rates with the actual imprisonment rates for each racial or ethnic group—

- The white group had a presumptive imprisonment rate of 33.3 percent and an actual imprisonment rate of 19.4% (the lowest rate), a difference of 13.9 percentage points.
- The black group had a presumptive imprisonment rate of 44.1% (the highest rate) and an actual imprisonment rate of 24.6 percent, a difference of 19.5 percentage points (the greatest difference).
- The American Indian group had a presumptive imprisonment rate of 31.8% (the lowest rate) and an actual imprisonment rate of 24.0 percent, a difference of 7.9 percentage points (the least difference).
- The Hispanic group had a presumptive imprisonment rate of 35.7 percent and an actual imprisonment rate of 25.6% (the highest rate), a difference of 10.0 percentage points.
- The Asian group had a presumptive imprisonment rate of 36.8 percent and an actual imprisonment rate of 21.1 percent, a difference of 15.7 percentage points.

Judicial District

Variation in incarceration rates was also observed by judicial district (Figure 11, p. 21). The Second Judicial District (Ramsey County) had the highest total incarceration rate (95.6%) while the Fourth Judicial District (Hennepin County) had the lowest total incarceration rate (74.7%), which was largely driven by these districts' differences in the use of local confinement. Geographical variation was seen with respect to the separate rates both for local confinement and for prison.

- Regarding use of local confinement, the Second, Tenth, and Eighth judicial districts had the highest rates (74.3%, 70.9%, and 70.9%, respectively), while the Fourth, Ninth, and Third districts had the lowest rates (52.3%, 54.9%, and 57.7%, respectively).
- Regarding the Guidelines-recommended imprisonment rates, the Second, Fourth, and Third judicial districts had the highest presumptive imprisonment rates (at 48.4%, 41.2%, and 36.9%, respectively), while the Eighth, First, and Fifth judicial districts had the lowest (at 26.1%, 29.3%, and 31.2%, respectively).
- A review of actual imprisonment rates discloses a smaller percentage-point variation among the judicial districts. The judicial districts with the highest imprisonment rates were the Ninth (25.6%), the Seventh (25.3%), and the Third (22.5%), while the judicial districts with the lowest imprisonment rates were the Tenth (18.4%), the Sixth (18.4%), and the First (18.7%).
- The places with the largest percentage-point differences between their Guidelines-recommended prison rates and their actual imprisonment rates were the Second, the Fourth, and the Sixth judicial districts (at 27.1, 18.9, and 17.7 percentage points, respectively), while those with the smallest differences were the Eighth, the Ninth, and the Fifth judicial districts (at 5.6, 8.0, and 9.8 percentage points, respectively).

See Appendix 1 (p. 81) for a map of Minnesota's ten judicial districts.

Figure 10. Actual & Presumptive Incarceration Rates by Gender & Race/Ethnicity, 2021

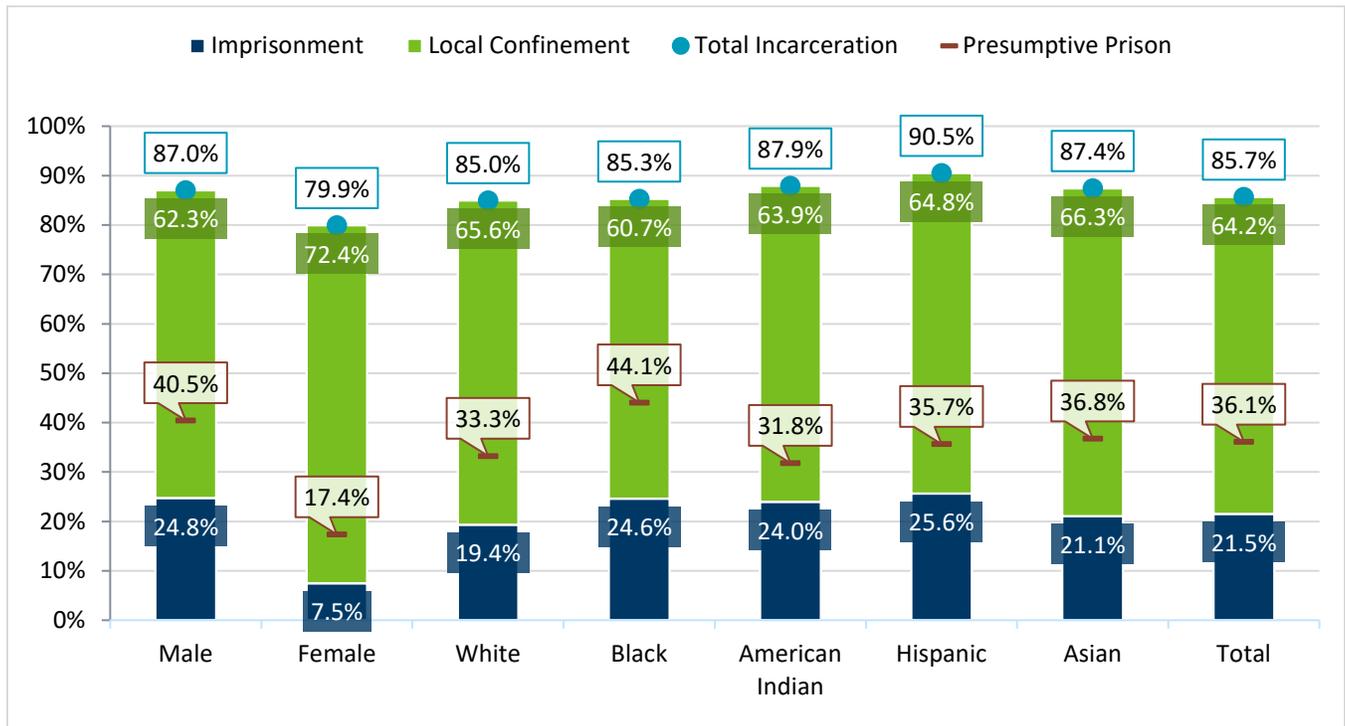
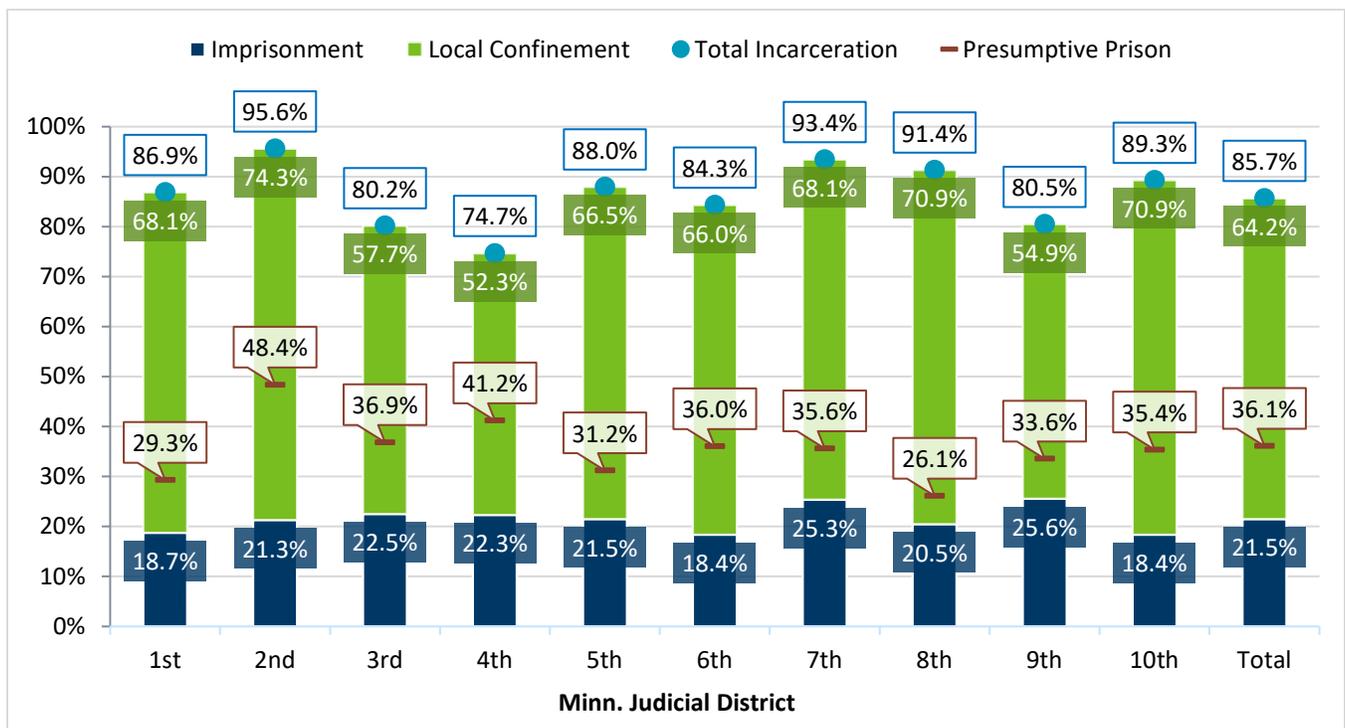


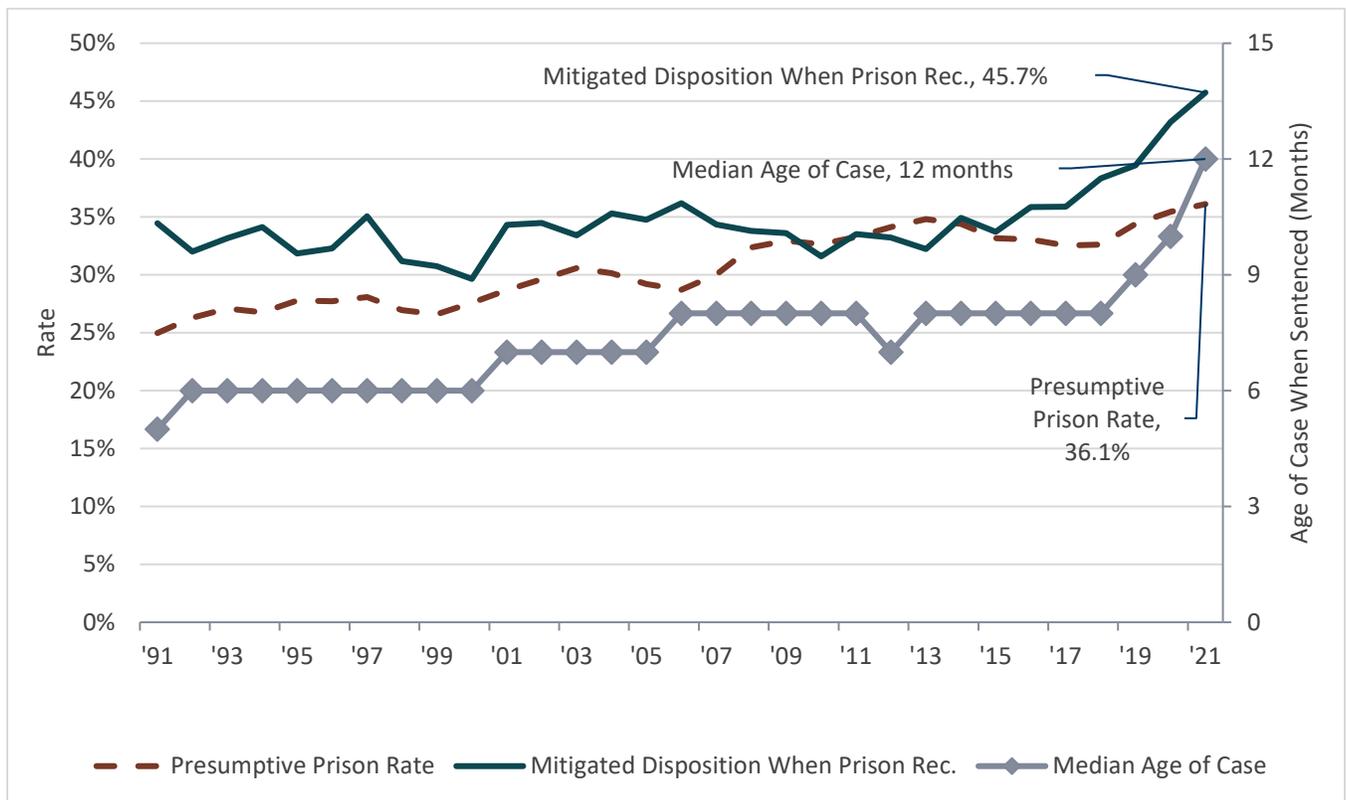
Figure 11. Actual & Presumptive Incarceration Rates by Judicial District, 2021



Historical incarceration-rate data can be found in tables 11–16 (pp. 57–65). Additionally, Table 23 (p. 73) records incarceration rates by county.

Figure 12 places 2021’s record-high rate at which the Guidelines recommended prison (36.1%) next to another, related, record-high number, discussed in greater detail beginning on page 30: the rate at which defendants received a mitigated dispositional departure from the Guidelines prison recommendation (45.7% of prison-recommended cases). The figure displays the rise in these rates from 1991 through 2021, together with another (possibly related) rising number: The median age of felony cases, which has climbed significantly in recent years, from eight months in 2018 to twelve months in 2021. It is possible that all three of these high 2021 numbers may be related to the justice system’s response to the COVID-19 pandemic.¹⁵

Figure 12. Records Set in 2021 – Rate Recommended Prison, Rate of Mitigated Dispositional Departures Among Those Cases, & Median Case Age



Note: Median age of case refers to the median difference, in months, between the date of sentence and the date of offense.

¹⁵ See footnote 3 (p. 6).

Average Pronounced Sentences (Durations)

State Prison

Among executed prison sentences in 2021, the average pronounced prison duration was 54 months, a record high. The average varied by applicable Grid: 50 months for cases on the Standard Grid; 93 months for cases on the Sex Offender Grid;¹⁶ and 49 months for cases on the Drug Offender Grid.

The average has fluctuated over time, but sentence lengths increased after 1989. From 1981 to 1989, the average was 37.5 months, increasing to 47 months from 1992¹⁷ to 2020. 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 1989¹⁸ and, for a time, 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 offenses and people with criminal history.

Historical lengths average executed prison sentences are displayed in Table 2 (p. 24) and Figure 13 (p. 25).

Life Sentences

Ten people received life sentences in 2021, the same number seen in 2020. Of the ten life sentences, eight were for first-degree murder and two were for first-degree criminal sexual conduct. For nine of those life sentences, no release will ever be possible because the conviction was of premeditated first-degree murder (eight cases) or of first-degree criminal sexual conduct with two heinous elements (one case).¹⁹ The life sentence with the possibility of release—after 20 years—resulted from a conviction of first-degree criminal sexual conduct with a previous conviction and an aggravating factor. Life sentences are excluded from the average pronounced prison sentences reported here.

¹⁶ In 2021, 16 cases (0.1%) were sentenced in which the offense was committed before August 1, 2005, eight of which were sex offenses. The applicable pre-2005 Standard Grid was therefore used to determine the presumptive sentence. Four of these 16 cases received prison sentences with an average pronounced sentence of 40 months.

¹⁷ 1990 & 1991 data are not included because of a mixture of presumptive sentences.

¹⁸ See “Changes to the Sentencing Grid Over Time – 1989,” p. 4.

¹⁹ Life imprisonment without possibility of release has been the mandatory sentence for premeditated murder and certain sex offenses since 2005. [2005 Minn. Laws ch. 136](#), art. 2, §§ 5 & 21, & art. 17, § 9.

Table 2. Average Pronounced Prison Duration, Executed Sentences Only, 1981–2021

Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)
2021	54.0	2007	44.8	1993	46.9
2020	50.6	2006	44.8	1992	48.6
2019	48.4	2005	45.7	1991	45.2
2018	47.1	2004	45.1	1990	45.7
2017	46.0	2003	51.2	1989	37.7
2016	46.3	2002	47.2	1988	38.1
2015	45.0	2001	49.8	1987	36.3
2014	45.5	2000	49.7	1986	35.4
2013	45.2	1999	47.9	1985	38.4
2012	47.3	1998	47.0	1984	36.2
2011	45.6	1997	44.5	1983	36.5
2010	46.5	1996	47.4	1982	41.0
2009	42.8	1995	48.5	1981	38.3
2008	45.0	1994	51.3		

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

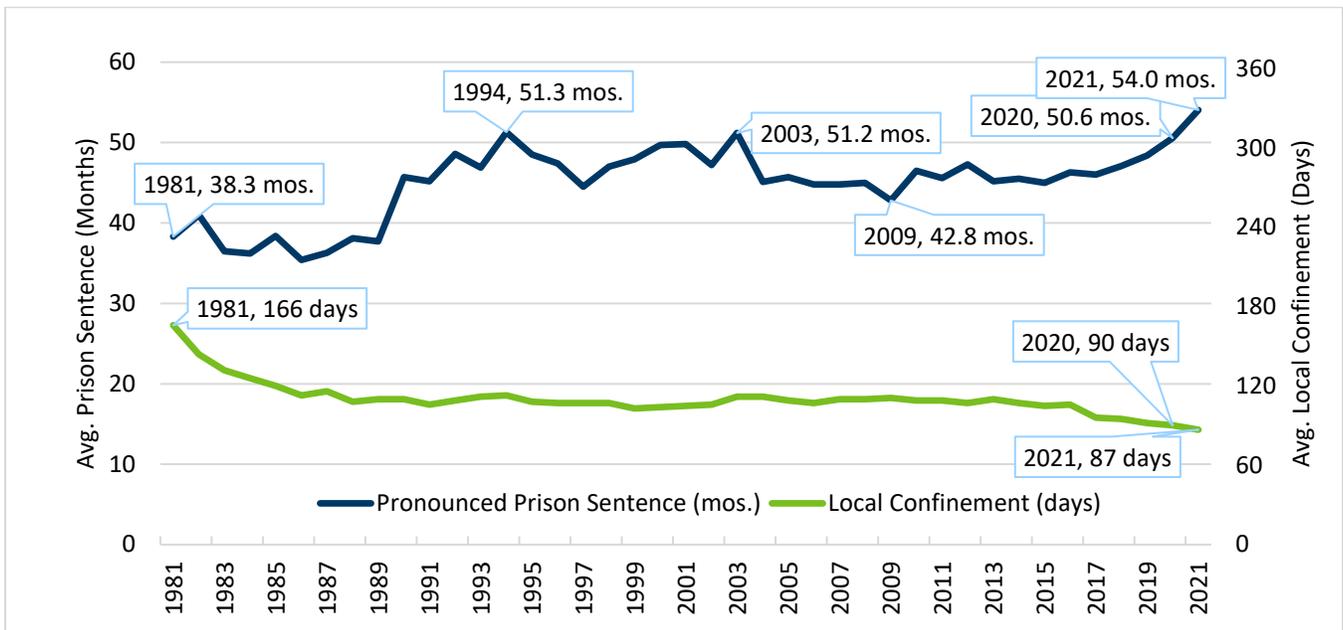
MSGC monitoring data capture the amount of local confinement a judge pronounces as a condition of probation, but not necessarily the actual amount of time served. For a variety of reasons, many will not serve the full amount of time pronounced by the judge. Some who have served time prior to sentencing may receive credit for this time against the post-sentence time—for some, this credited time will constitute the entire period of local confinement. Others may be released to a treatment program.

The average amount of local confinement pronounced was 87 days in 2021, a record low. The average amount of local confinement had remained in a fairly narrow range—between 103 and 113 days—from 1988 through 2016, but has stayed below 100 days since 2017. Historical average local-confinement lengths are displayed in Table 3 (p. 25) and Figure 13 (p. 25).

Table 3. Average Local Confinement, 1981–2021

Year	Local Confinement (in days)	Year	Local Confinement (in days)	Year	Local Confinement (in days)
2021	87	2007	110	1993	112
2020	90	2006	107	1992	109
2019	92	2005	109	1991	106
2018	95	2004	112	1990	110
2017	96	2003	112	1989	110
2016	106	2002	106	1988	108
2015	105	2001	105	1987	116
2014	107	2000	104	1986	113
2013	110	1999	103	1985	120
2012	107	1998	107	1984	126
2011	109	1997	107	1983	132
2010	109	1996	107	1982	144
2009	111	1995	108	1981	166
2008	110	1994	113		

Figure 13. Average Pronounced Prison Sentences, Executed Sentences Only, and Local Confinement, 1981–2021



Departures from the Sentencing Guidelines

A “departure” is a pronounced sentence other than that recommended in the appropriate cell of the applicable sentencing 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 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.²⁰ Along with reasons for departure, the court may supply information about the position of the prosecutor regarding the departure. In 2021, the Commission received departure reasons, information about the position of the prosecutor, or both, in 92 percent of departure cases.

In 2021, 98.5 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.

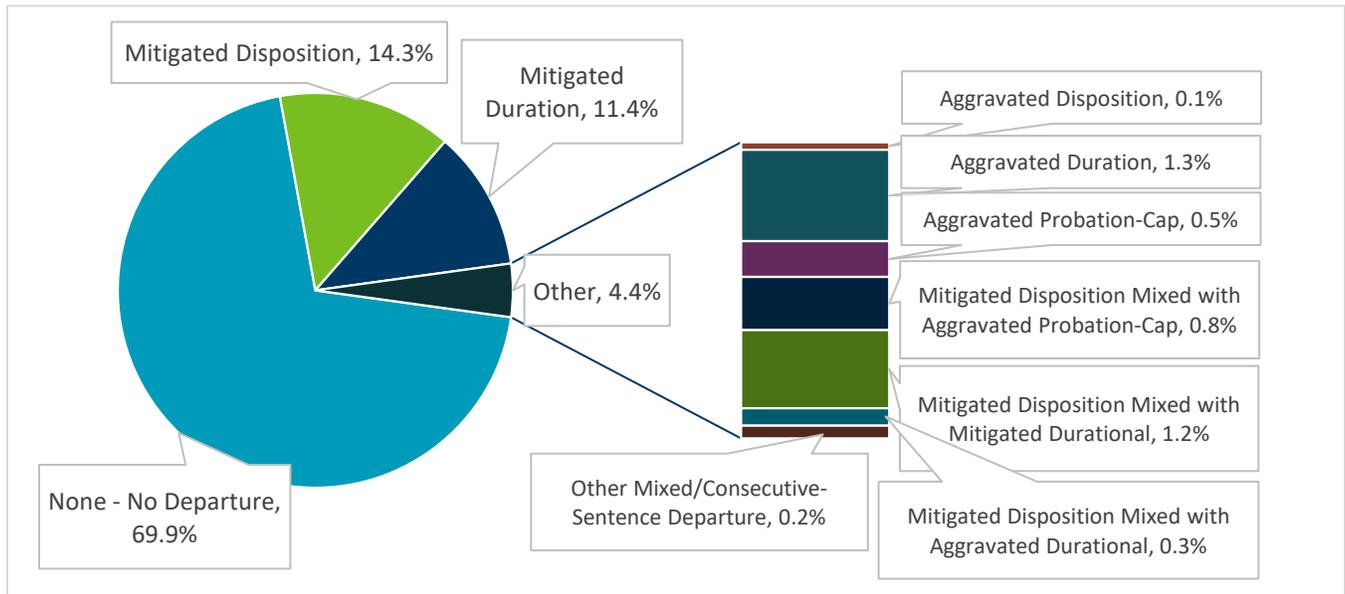
Minn. Sentencing Guidelines Comment 2.D.104.

²⁰ Minn. R. Crim. P. [27.03](#), subd. 4(C).

Total Departures

In 69.9 percent of cases in 2021, the sentence imposed was not a departure from the presumptive, Guidelines-recommended sentence (10,092 cases). In the remaining 30.1 percent of cases, there was some type of departure, *i.e.*, mitigated, aggravated, or mixed (Figure 14). Among the aggravated departures was a new type of departure, effective for crimes committed on or after August 1, 2020 (44% of the 2021 cases): a departure from the new five-year presumptive probation cap. Such a departure occurred in 1.3 percent of the 2021 cases.

Figure 14. Total Departure Rates, All Cases, 2021



Additional departure information can be found in tables 17–21 (pp. 72–71). Departure information by county can be found in tables 24 and 25 (pp. 75 & 78).

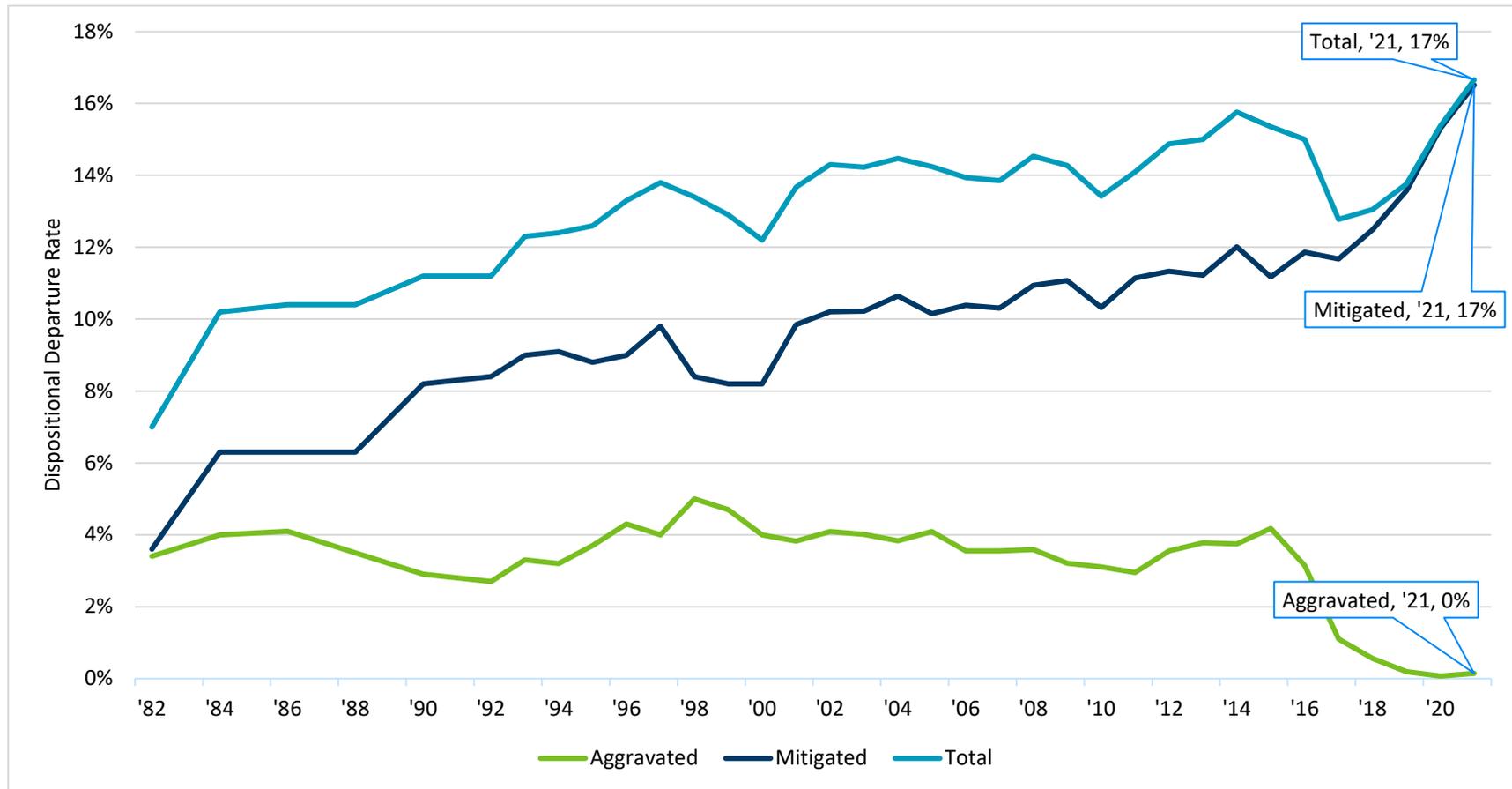
Dispositional Departures

While Figure 14, 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 2,404 cases (16.6%) in 2021, the sentence was a dispositional departure from the Guidelines. In 21 cases (0.1%), the sentence was to prison when the Guidelines recommended probation (“aggravated dispositional departure”). In 2,383 cases (16.5%), the sentence was to probation when the Guidelines recommended prison (“mitigated dispositional departure”). Most of the increase in the total departure rate since 1981 has come from a rise in the mitigated dispositional departure rate (Figure 15, p. 28).

Types of Dispositional Departures

Figure 15. Dispositional Departure Rates, 1982, 1984, 1986, 1988, 1990, 1992–2021



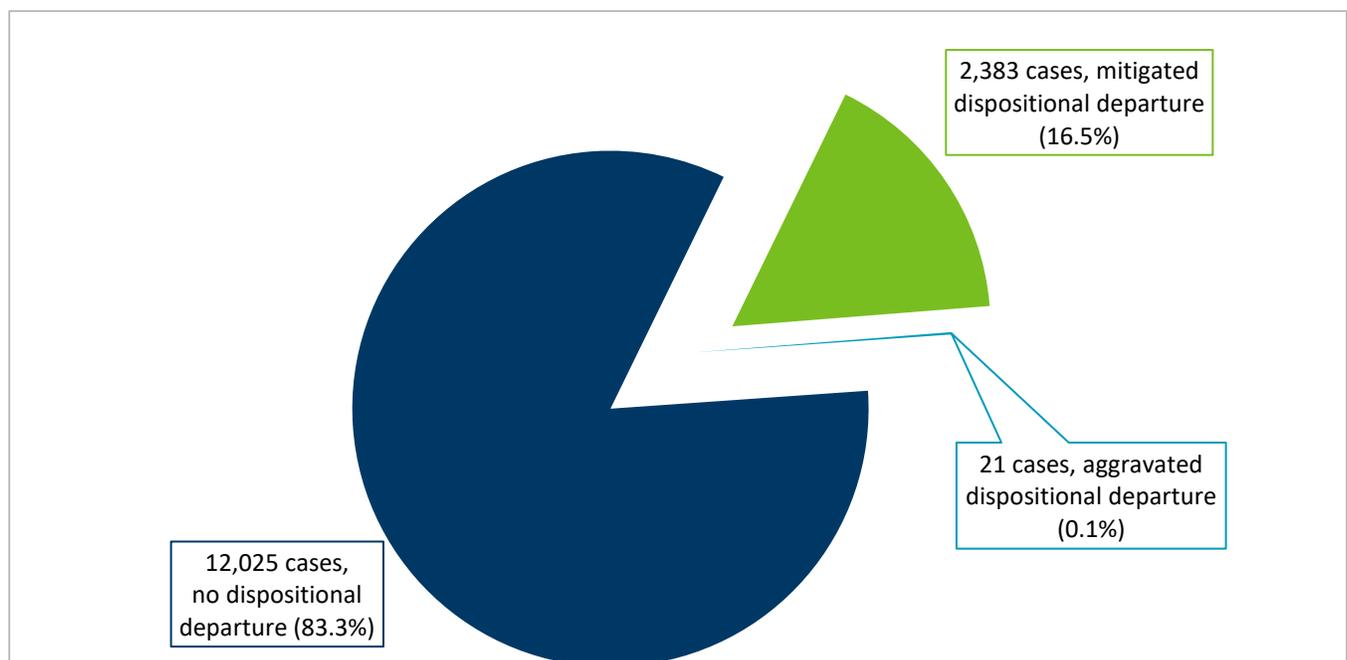
Aggravated Dispositional Departures

Of all cases sentenced in 2021, 0.1 percent were aggravated dispositional departures (Figure 15). Among only those cases at risk to receive an aggravated dispositional departure—*i.e.*, those with a presumptively stayed sentence—the aggravated dispositional departure rate was 0.2 percent (Table 18, p. 68).

Much of the apparent decrease in aggravated dispositional departures in recent years is due to a 2015 policy change: The Commission no longer considers a sentence executed pursuant to a defendant’s demand to be an aggravated dispositional departure. In 2014, before the policy change, 85 percent of aggravated dispositional departures had occurred because the defendant—with a presumptively stayed sentence—had requested, or agreed to, an executed prison sentence. The number of cases subject to the pre-2015 policy has since dwindled to the point where, in 2021, only 3 of the 21 cases that received an aggravated dispositional departure were based on such a request.

The small number of aggravated dispositional departures may also be related to mid-2000s caselaw requiring that a jury find aggravating factors to support such departures, discussed on page 35. Because aggravated dispositional departures now represent such a small percentage of cases, the remainder of this analysis will focus on mitigated dispositional departures.

Figure 16. Dispositional Departure Rates, All Cases, 2021



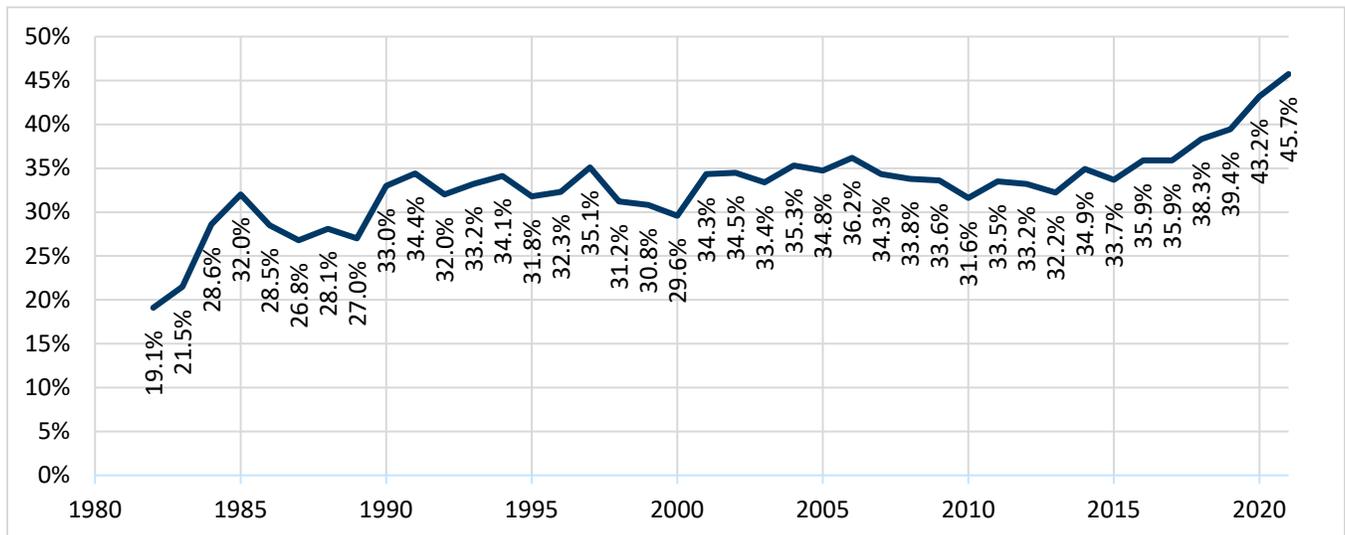
Mitigated Dispositional Departures

As discussed above, the sentence was a mitigated dispositional departure in 16.5 percent of cases sentenced in 2021. This next section focuses only on departures for presumptive commitment cases (those recommended prison). Because the next section’s departures are compared to a much smaller pool of cases, the departure rates shown will be significantly higher than the 16.5-percent rate shown in Figure 16.

Mitigated Dispositional Departure Rates for Presumptive Commitments

In 2021, the mitigated dispositional departure rate for cases recommended prison under the Guidelines was 45.7 percent (2,383 of the 5,210 cases recommended prison), the highest rate ever observed (Figure 17) and the fourth consecutive year of record-high mitigated dispositional departure rates (38.3% in 2018, 39.4% in 2019, and 43.2% in 2020).

Figure 17. Mitigated Dispositional Departure Rates, Presumptive Commitments Only, 1982–2021



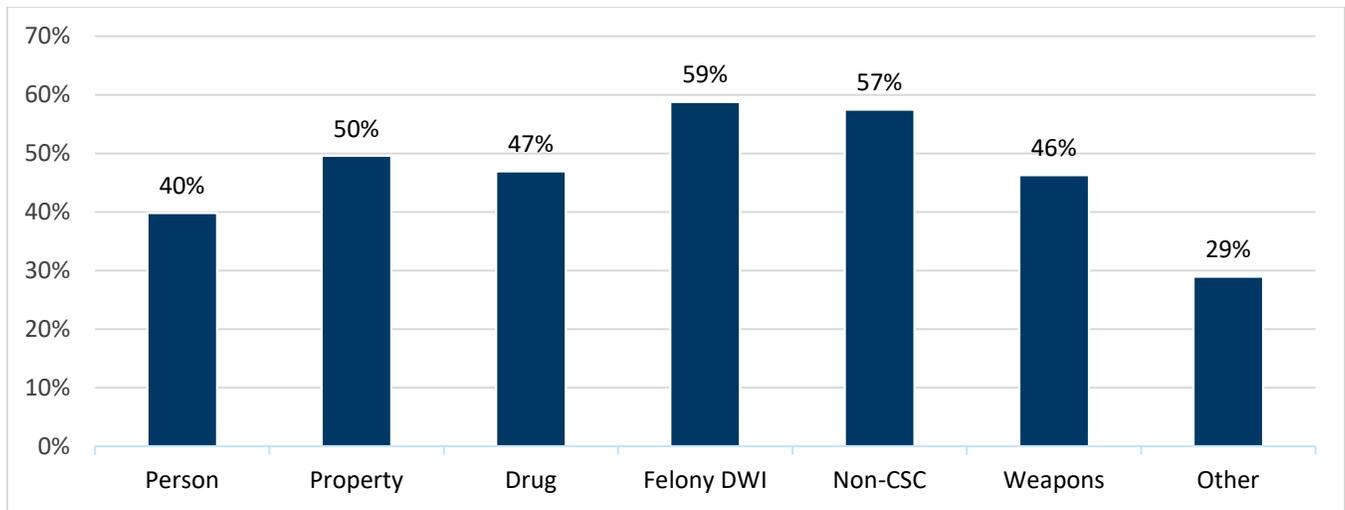
Mitigated Dispositional Departure Rates by Gender, Race/Ethnicity, and Judicial District

Table 18 (p. 68) lists dispositional departure rates by gender, race or ethnicity, and judicial district for presumptive commitment offenses. These rates are illustrated graphically in figures 28 and 29 (p. 40). The mitigated dispositional departure rate is higher for females (66.5%) than males (43.7%). When examined by racial or ethnic group, the mitigated dispositional departure rate ranged from lows of 33.6 percent for the American Indian group to highs of 49.7 percent for the Asian group. There was also variation in the rate by judicial district, ranging from a low of 33.1 percent in the Eighth Judicial District (includes west-central counties) to a high of 58.4 percent in the Second Judicial District (Ramsey County). This is a larger variation than was seen in 2020, where the range by judicial district was 29.4 to 51.9 percent. See Appendix 1 (p. 81) for a map of Minnesota’s ten judicial districts.

Mitigated Dispositional Departure Rate by Offense Type

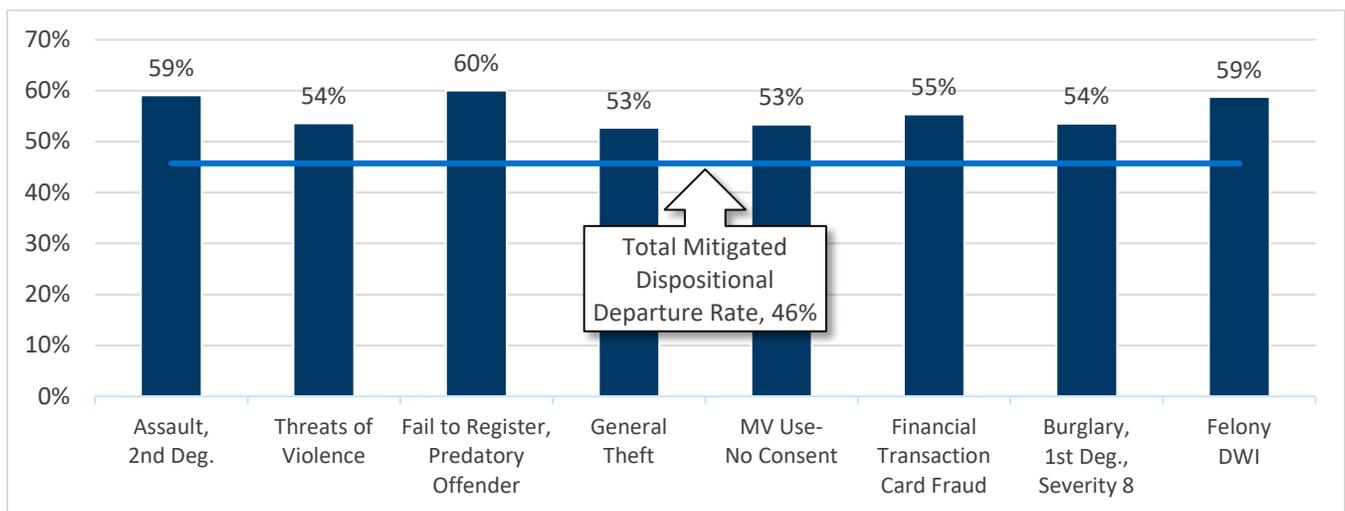
Figure 18 displays the mitigated dispositional departure rate by offense type. The rate is highest for non-CSC sex offenses and felony DWI, and lowest for person and “other” offenses. Compared to 2020 rates, mitigated dispositional departure rates increased in 2021 for all offense types, with property offenses seeing the largest increase of eight percent (42% in 2020 and 50% in 2021). Most offense types (person, drug, felony DWI, Non-CSC sex offenses, and weapons) had an increase of one or two percent compared to 2020.

Figure 18. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitments Only, 2021



Even within offense types, departure rates vary by offense. Figure 19 displays the high-frequency offenses—50 or more presumptive commitment cases—with the highest rates of mitigated dispositional departure—over 50 percent. The total rate is displayed for comparison.

Figure 19. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2021



Note: Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 50 percent or more.

Two of the offenses highlighted in Figure 19 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 ways.
- *Failure to register as a predatory offender* also has a statutory mandatory minimum prison sentence, accompanied by a statutory provision that allows for sentencing without regard to the mandatory minimum (Minn. Stat. § [243.166](#), subd. 5(d)).

In 69 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 10 percent of these cases, the court stated that the prosecutor objected to the departure (Figure 20). The court did not supply information on the prosecutor’s position in 21 percent of these departures. Prosecutor agreement can vary by offense type (Figure 20) and offense (Figure 21). In all offense categories, amenability to probation and amenability to treatment were the most frequently cited substantial and compelling reasons for departure recorded.

Figure 20. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, by Offense Type, 2021

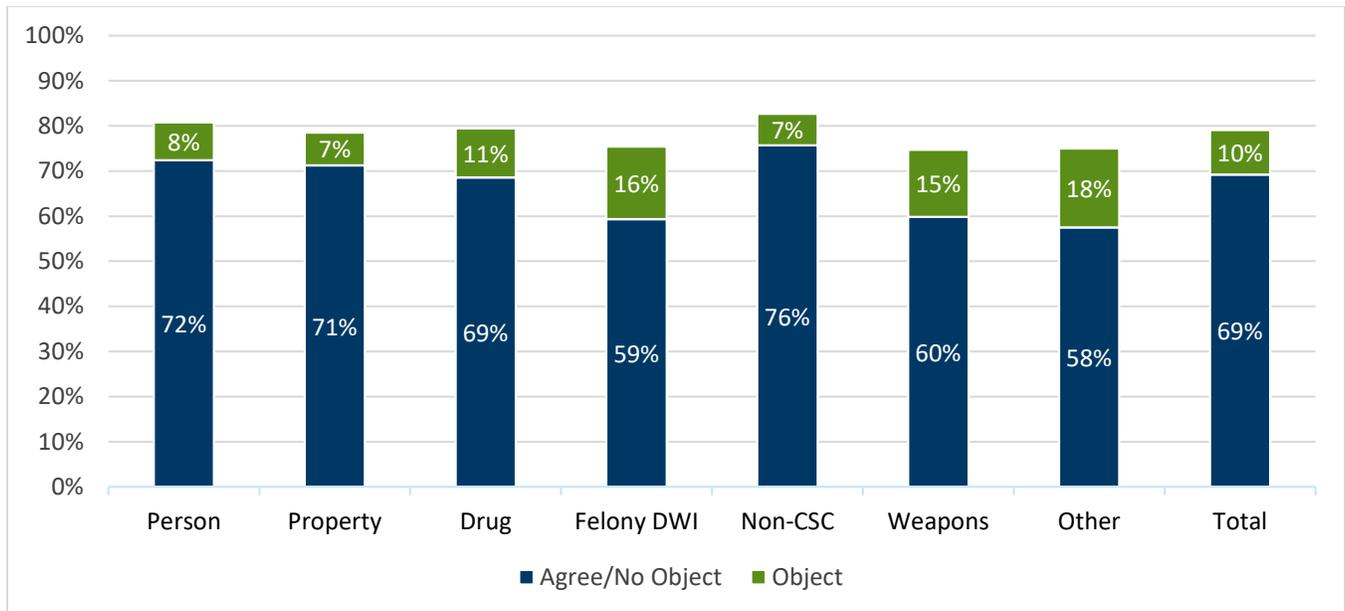
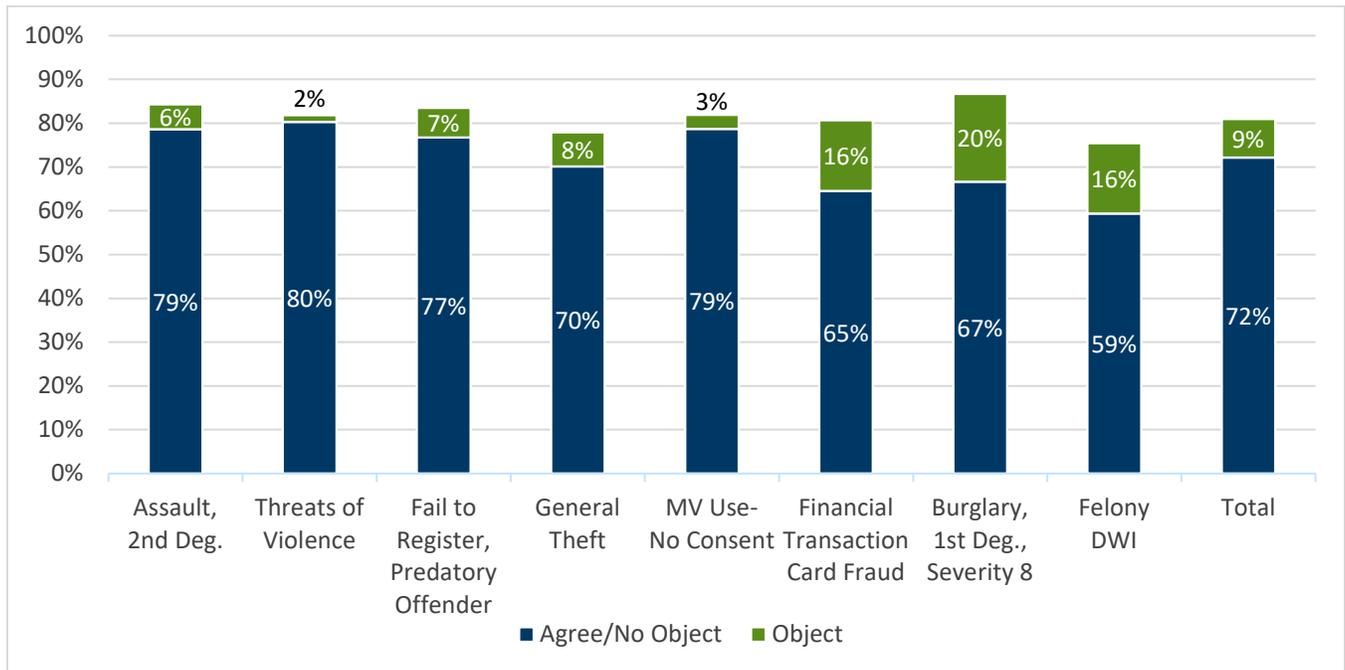


Figure 21. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, Selected Offenses, 2021



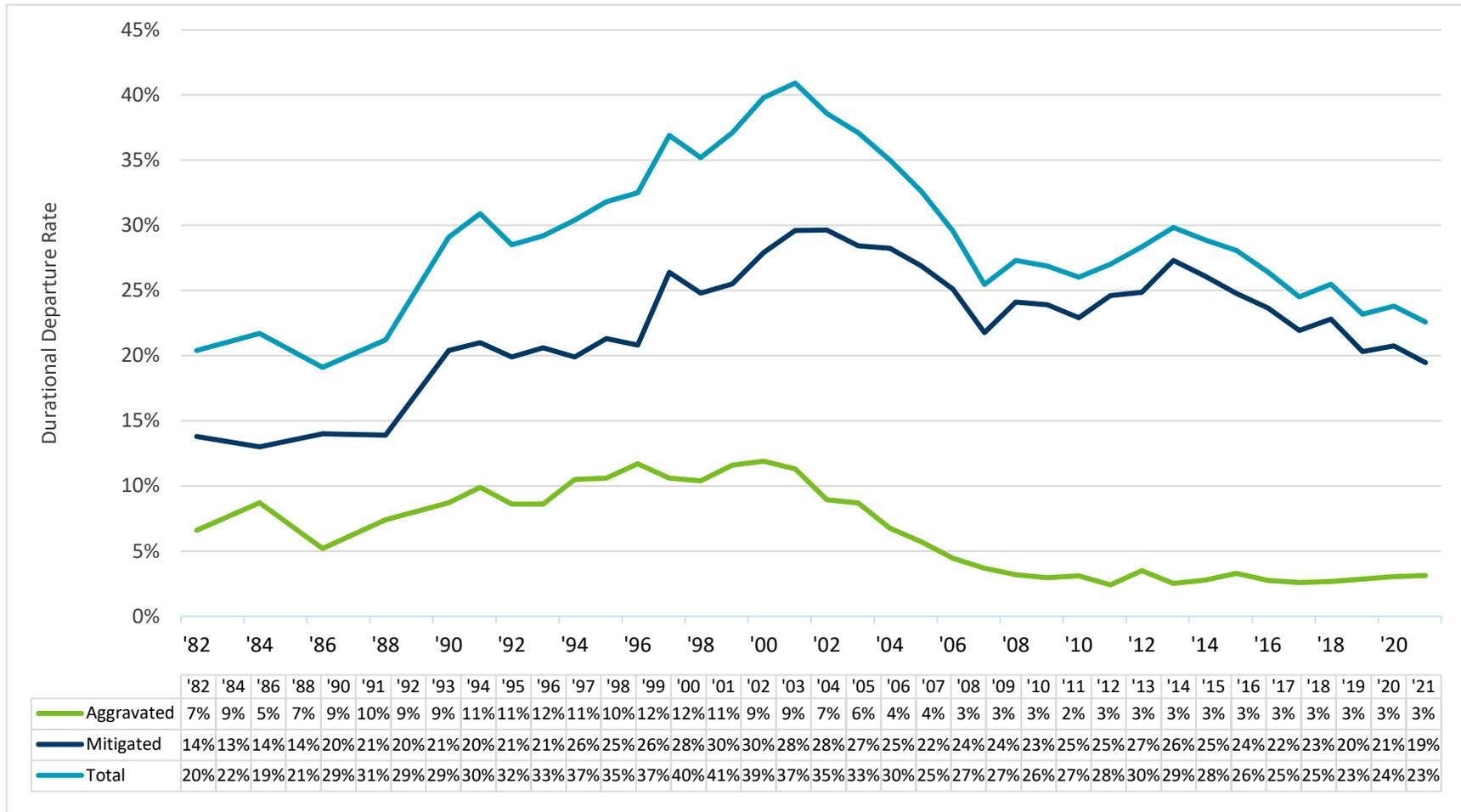
Notes: Departure reports do not always include information on the prosecutor’s position, which is why the columns do not add up to 100% for each offense. Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 50 percent or more. “Total” refers to the total 2,383 cases receiving mitigated dispositional departures.

Durational Departures

While Figure 14 (p. 27) 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 19 (p. 68) and Table 20 (p. 70). This section focuses on departures for executed prison sentences (those for whom a prison sentence was imposed), which are shown in Figure 22 (p. 34). Since the enactment of the Guidelines, the mitigated durational departure rate has consistently been higher than the aggravated durational departure rate.

Figure 22. Durational Departure Rates for Cases Receiving an Executed Prison Sentence, 1982, 1984, 1986, 1988, 1990, 1992, 1994–2021



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, the rate has generally declined, though fluctuating from year to year. The percentage of mitigated durational departures appears to have settled in the mid- to low-20s, although five of the last seven years have seen declines. Likewise, after reaching a high of 12 percent in 2000, the aggravated durational departure rate slowly declined, but appears to have leveled off around three percent.

From 2020 to 2021, the mitigated durational departure rate fell, from 20.8 percent to 19.5 percent (the lowest rate since the mid-1980s). The aggravated durational departure rate rose slightly, from 3.0 percent to 3.1 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 admitted to by the defendant—used to enhance a sentence under mandatory sentencing guidelines.²¹ 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 offenses and those with criminal history.²²

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

Table 21 (p. 71) lists durational departure rates for executed prison sentences by gender, race or ethnicity, and judicial district. These rates are illustrated graphically in Figure 28 (p. 40) and Figure 29 (p. 40). The mitigated durational departure rate for males sentenced in 2021 was higher than for females (20% vs. 15%). When examined by racial or ethnic group, the mitigated durational departure rate varies from lows of 15.3 percent for the Hispanic group and 15.6 percent for the white group to highs of 31.7 percent for the Asian group and 27.2 percent for the black group. Mitigated durational departure rates also vary considerably by judicial district, ranging from a low of 4.6 percent in the Eighth Judicial District to a high of 47.2 percent in the Second Judicial District. See Appendix 1 (p. 81) 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 23 (p. 36) illustrates, offenses in the non-criminal sexual conduct (non-CSC sex offense) category 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 (excluding an offense with very few cases) is failure to register as a predatory offender. Person offenses had the highest aggravated durational departure rate at 4.9 percent.

²¹ The Minnesota Supreme Court determined that *Blakely*’s jury requirements applied to aggravated departures under the Sentencing Guidelines. *State v. Shattuck*, 689 N.W.2d 785 (Minn. 2004), *modified on reh’g*, 704 N.W.2d 131 (Minn. 2005).

²² 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 23. Durational Departure Rates for Cases Receiving Executed Prison Sentences, by Offense Type, 2021

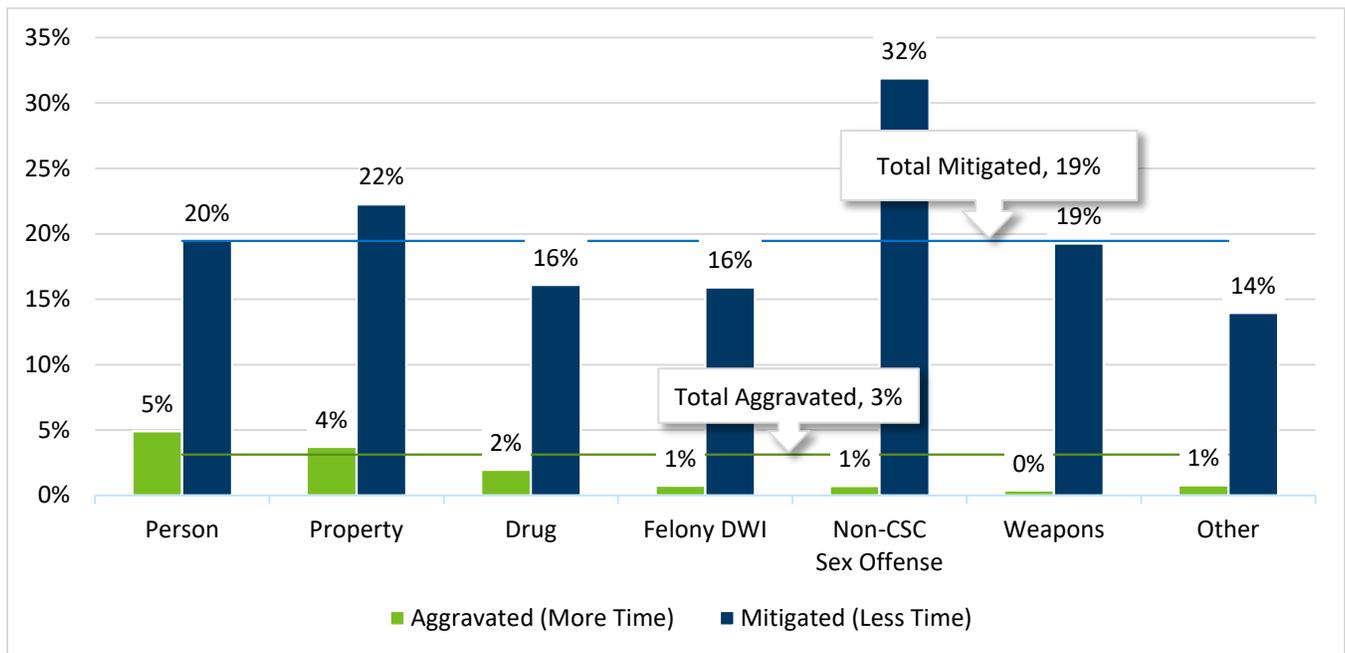


Figure 24 (p. 37) displays those offenses with at least 40 executed prison cases that had the highest durational departure rates. Included in this graph are offenses with a mitigated durational departure rate of 25 percent or more; or an aggravated durational departure rate of nine percent or more.

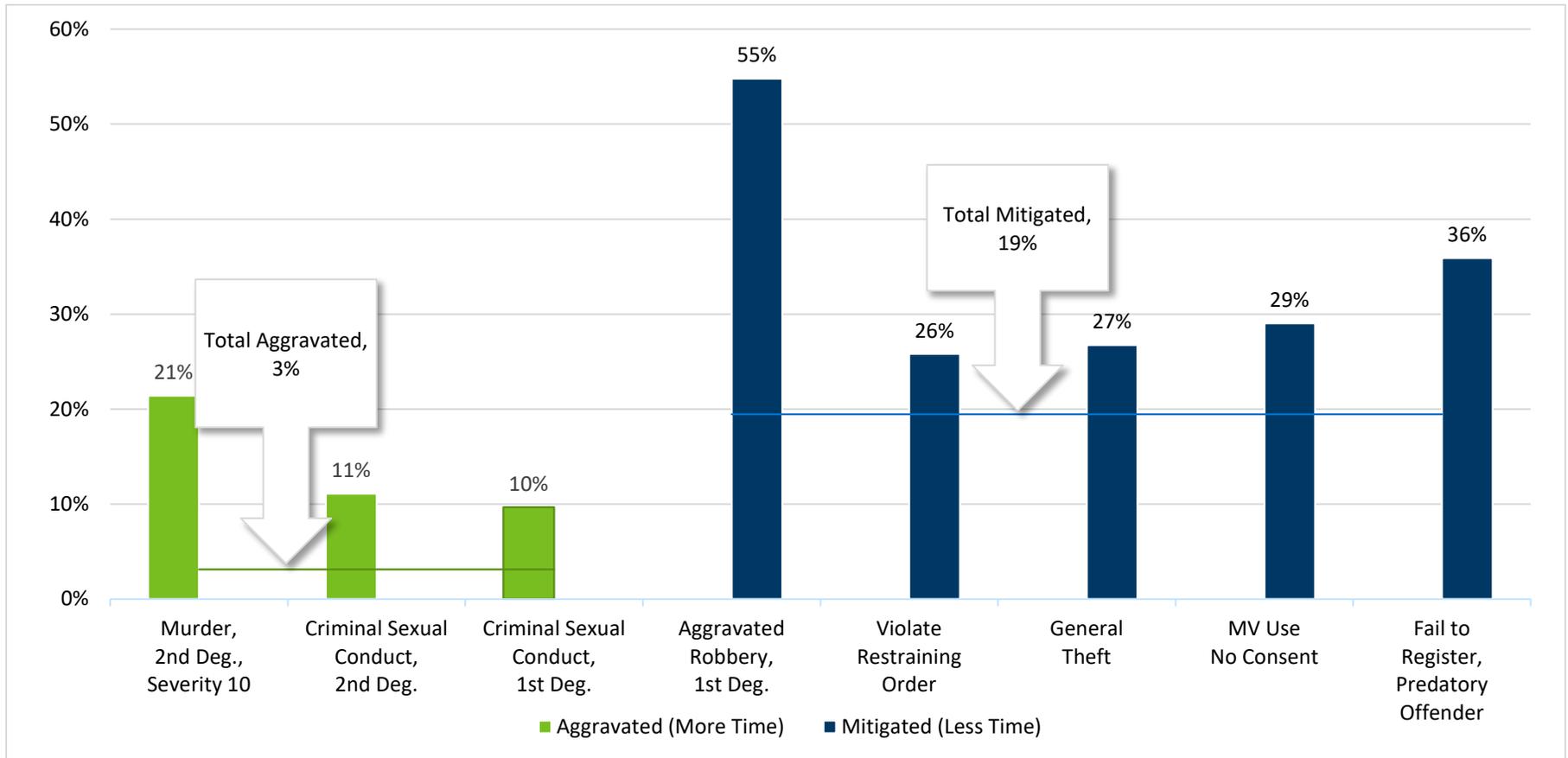
Aggravated durational departure rates were highest for unintentional second-degree murder, first-degree criminal sexual conduct and second-degree criminal sexual conduct. Mitigated durational departure rates were highest for aggravated robbery in the first degree, violate restraining order, general theft, motor vehicle use without consent, and failure to register as a predatory offender.

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 77 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 25, p. 38). In five percent of these cases, the court stated that the prosecutor objected to the departure. In 18 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 26, p. 38).

In 45 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 55 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 27, p. 39).

Figure 24. Durational Departure Rates for Cases Receiving Executed Prison Sentences, Selected Offenses, 2021



Note: Offenses were selected based on criteria that there were 40 or more executed prison cases and the aggravated durational departure rate was 9 percent or more or the mitigated durational departure rate was 25 percent or more.

Figure 25. Court-Cited Position of Prosecutor, Mitigated Durational Departures, Executed Prison Sentences by Offense Type, 2021

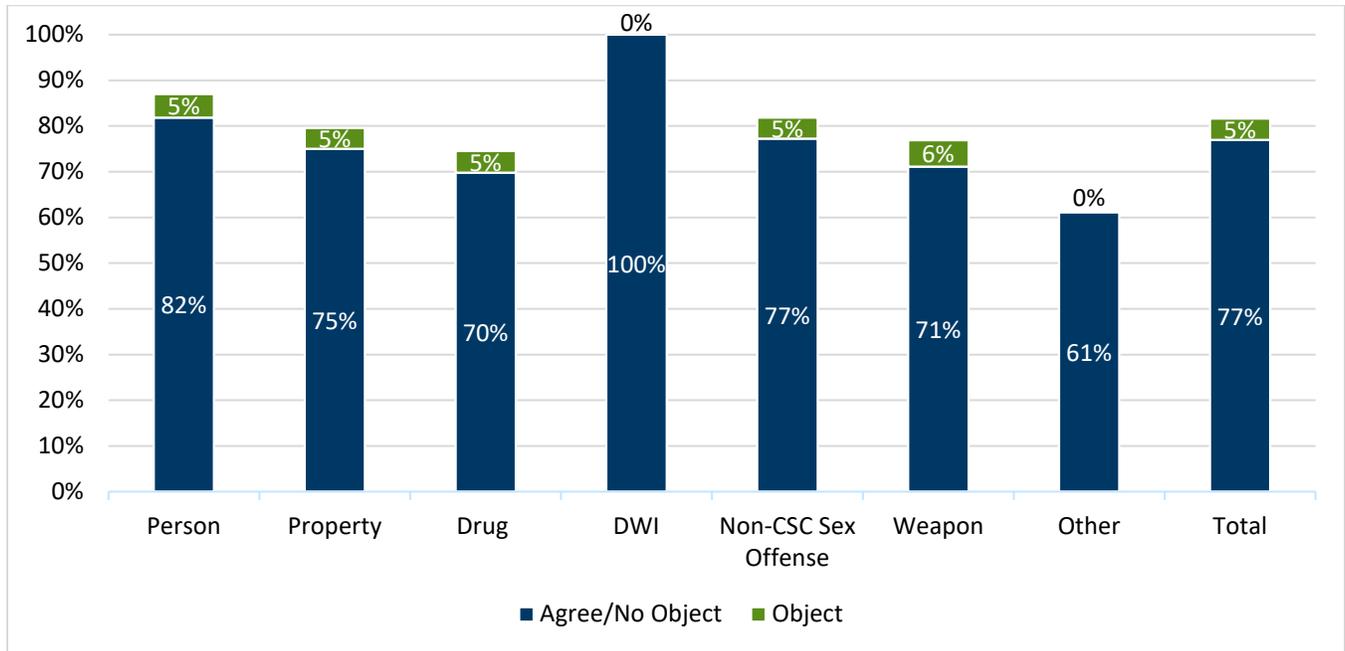
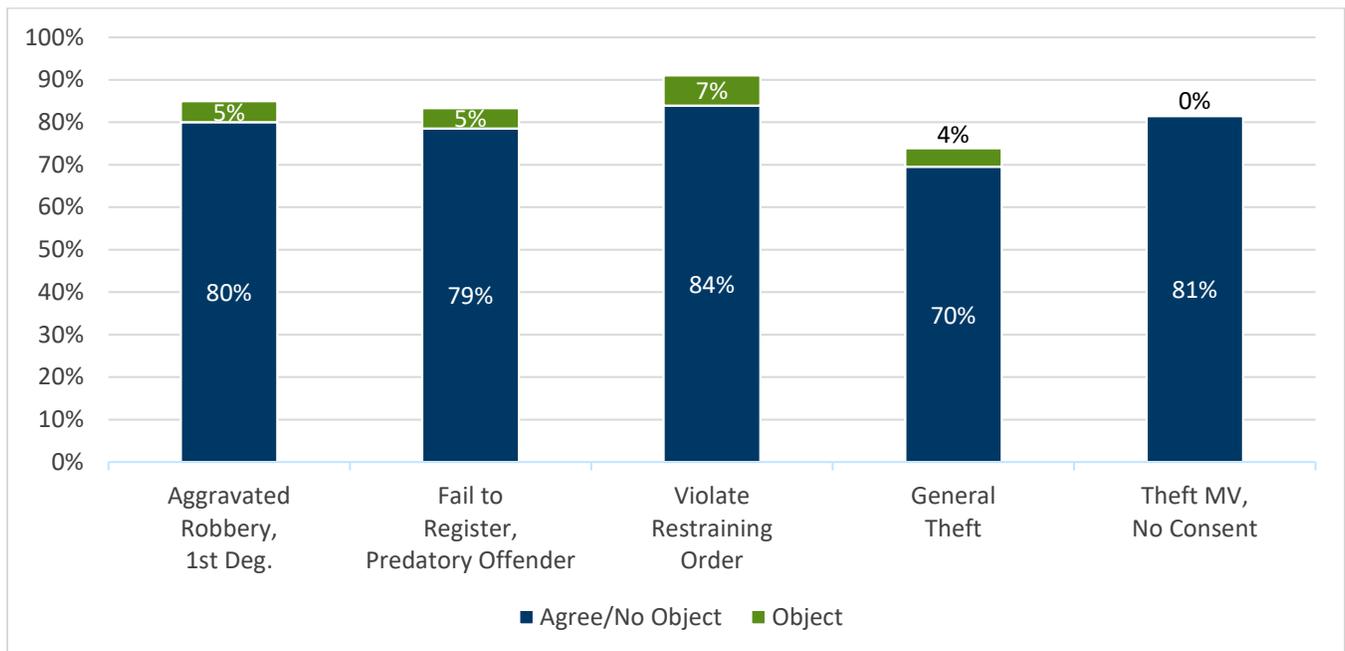
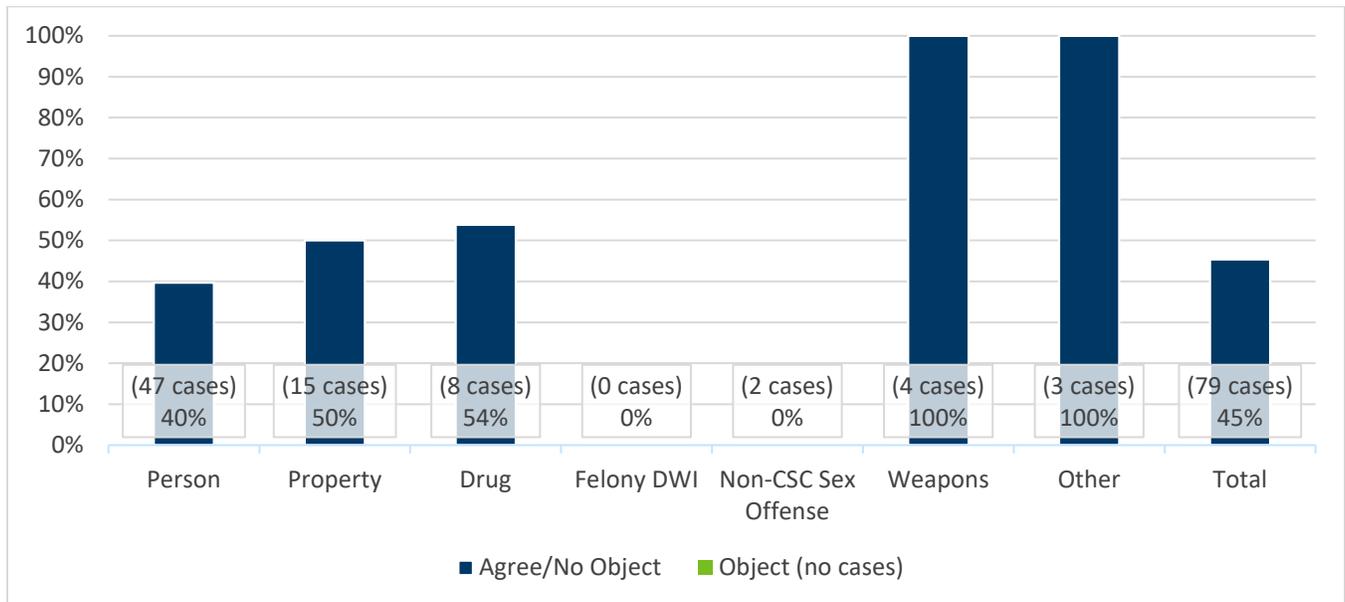


Figure 26. Court-Cited Position of Prosecutor, Mitigated Durational Departures, Executed Prison Sentences, Selected Offenses, 2021



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 25 percent or more.

Figure 27. Court-Cited Position of Prosecutor, Aggravated Durational Departures, Executed Prison Sentences by Offense Type, 2021



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.

Mitigated Departures: Gender, Race/Ethnicity, & Judicial Districts

Previous sections of this report discussed variations—by gender, race or ethnicity, and judicial district—in mitigated *dispositional* departure rates for presumptive commitment offenses (p. 30) and in mitigated *durational* departure rates for executed prison sentences (p. 35). Figure 28 and Figure 29, below, present a combined illustration of these variations. Among racial or ethnic groups whose members were sentenced in 2021 (Figure 28)—

- The white group had a higher mitigated dispositional departure rate than the total rate, but a lower durational departure rate;
- The black and Asian groups had a higher mitigated dispositional and durational departure rate than the total rate; and
- The American Indian and Hispanic groups had lower mitigated durational and dispositional departure rates than the total rate.

Recall from Figure 8 (p. 16) that racial or ethnic composition varies by judicial district. When reviewing Figure 28, note that the observed variations may be partly explained by regional differences in charging, plea agreement, and sentencing practices, as well as by regional differences in case volume, the types of offenses sentenced, criminal history scores across racial groups, and available local correctional resources. (See p. 81 for a map of Minnesota’s ten judicial districts.)

Figure 28. Mitigated Departure Rates by Gender & Race/Ethnicity, 2021

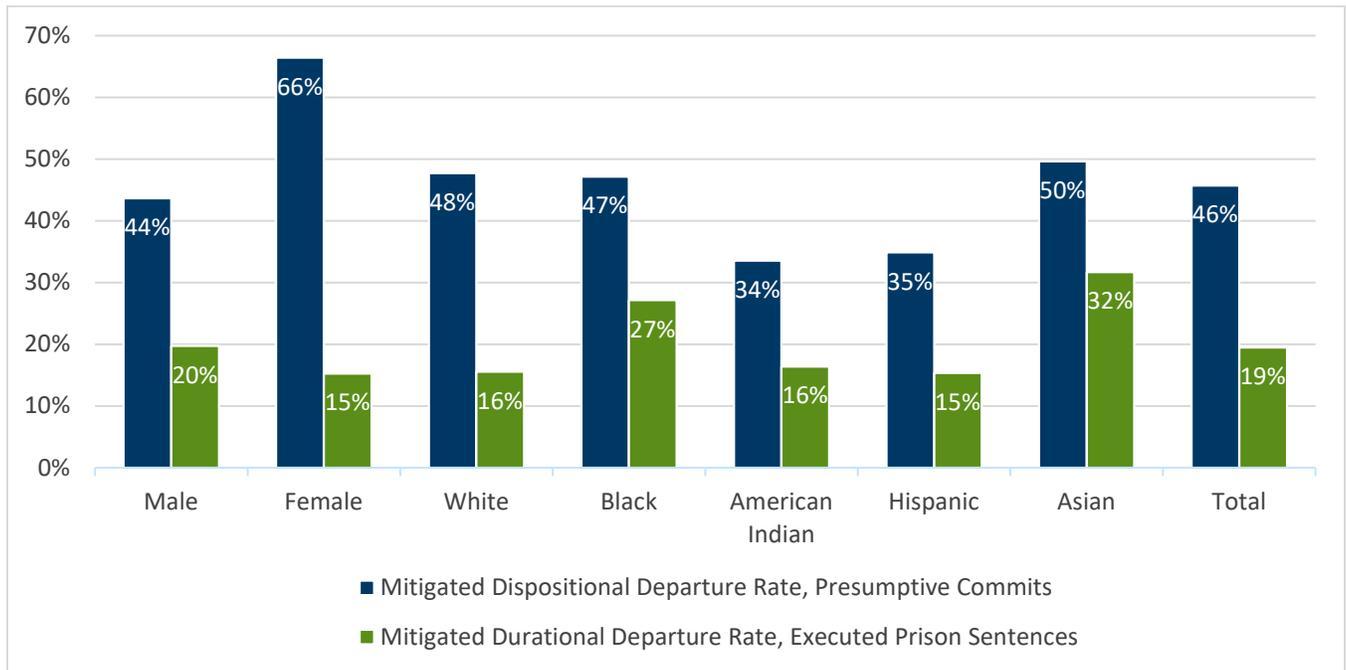
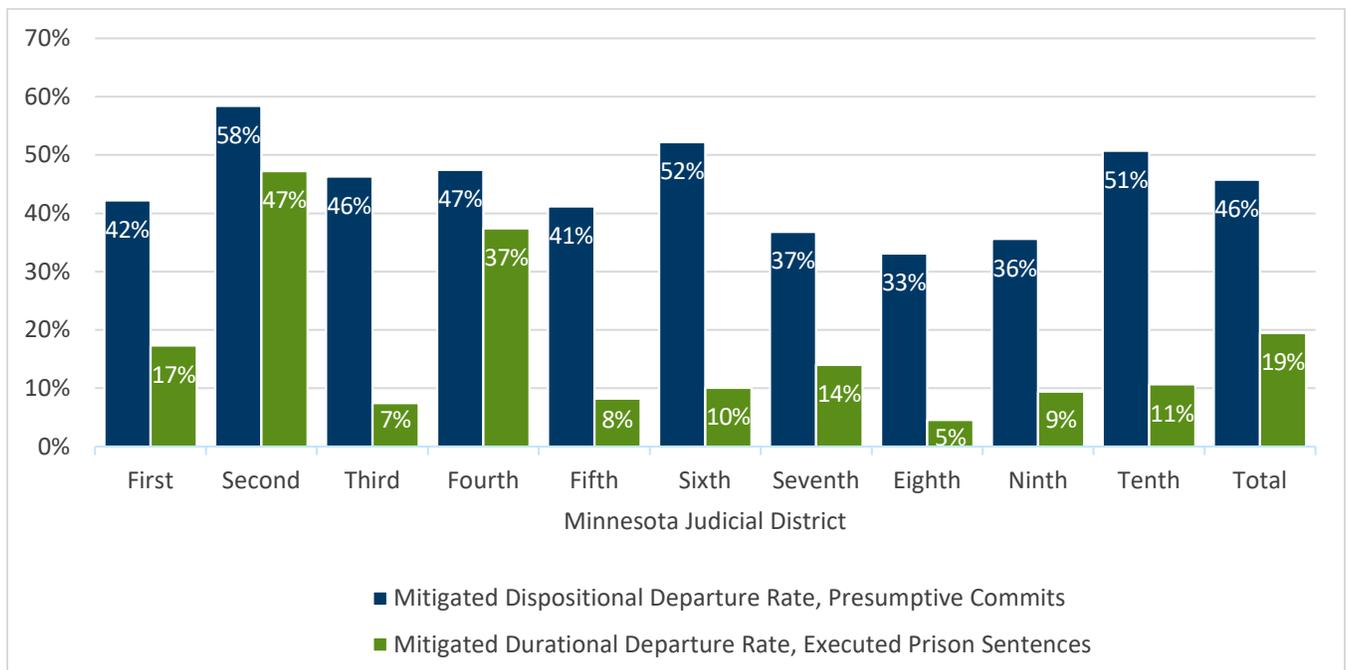


Figure 29. Mitigated Departure Rates by Minnesota Judicial District, 2021



Data Tables

Case Volume and Distribution

Table 4. Volume of Cases by Gender, 1981–2021

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
2021	14,429	11,715	81.2	2,712	18.8
2020	11,517	9,470	82.2	2,046	17.8
2019	17,335	13,937	80.4	3,398	19.6
2018	18,284	14,566	79.7	3,717	20.3
2017	18,288	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
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

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
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 5. Volume of Cases by Offense Type, 1981–2021

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense ²³		Weapon		Other ^{24, 25}		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
2021	4,437	30.8	3,784	26.2	3,912	27.1	525	3.6	383	2.7	580	4.0	808	5.6	14,429
2020	3,687	32.0	2,858	24.8	3,205	27.8	407	3.5	300	2.6	435	3.8	625	5.4	11,517
2019	5,060	29.2	4,675	27.0	5,175	29.9	534	3.1	491	2.8	559	3.2	841	4.9	17,335
2018	5,313	29.1	4,918	26.9	5,536	30.3	555	3.0	539	2.9	579	3.2	844	4.6	18,284
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

²³ “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).

²⁴ “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

²⁵ “Other” includes non-CSC sex offenses and weapon offenses before 2011.

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense ²³		Weapon		Other ^{24, 25}		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
1999	2,714	25.5	4,634	43.6	2,391	22.5	---	---	---	---	---	---	895	8.4	10,634
1998	2,783	25.6	4,732	43.5	2,542	23.3	---	---	---	---	---	---	830	7.6	10,887
1997	2,543	25.8	4,651	47.2	2,127	21.6	---	---	---	---	---	---	526	5.3	9,847
1996	2,620	27.6	4,731	49.9	1,695	17.9	---	---	---	---	---	---	434	4.6	9,480
1995	2,726	28.9	4,527	48.1	1,719	18.2	---	---	---	---	---	---	449	4.8	9,421
1994	2,881	29.4	4,777	48.8	1,692	17.3	---	---	---	---	---	---	437	4.5	9,787
1993	2,602	27.0	4,932	51.2	1,800	18.7	---	---	---	---	---	---	303	3.1	9,637
1992	2,438	26.1	4,742	50.9	1,830	19.6	---	---	---	---	---	---	315	3.4	9,325
1991	2,305	25.2	4,897	53.5	1,693	18.5	---	---	---	---	---	---	266	2.9	9,161
1990	2,246	25.4	4,589	51.9	1,811	20.5	---	---	---	---	---	---	198	2.2	8,844
1989	1,862	23.4	4,296	53.9	1,602	20.1	---	---	---	---	---	---	214	2.7	7,974
1988	1,881	24.8	4,310	56.9	1,180	15.6	---	---	---	---	---	---	201	2.7	7,572
1987	1,577	23.6	4,145	62.1	766	11.5	---	---	---	---	---	---	186	2.8	6,674
1986	1,377	22.8	3,867	64.1	651	10.8	---	---	---	---	---	---	137	2.3	6,032
1985	1,590	25.5	3,841	61.6	651	10.4	---	---	---	---	---	---	154	2.5	6,236
1984	1,484	25.6	3,561	61.5	620	10.7	---	---	---	---	---	---	127	2.2	5,792
1983	1,204	21.6	3,664	65.9	585	10.5	---	---	---	---	---	---	109	2.0	5,562
1982	1,267	20.9	3,965	65.4	689	11.4	---	---	---	---	---	---	145	2.4	6,066
1981	1,145	20.8	3,438	62.5	808	14.7	---	---	---	---	---	---	109	2.0	5,500

Table 6. Volume of Cases by Race/Ethnicity, 1981–2021

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2021	14,429	8,217	56.9	3,684	25.5	1,348	9.3	788	5.5	389	2.7	1	0.0
2020	11,517	6,523	56.6	2,993	26.0	1,064	9.2	614	5.3	310	2.7	12	0.2
2019	17,335	9,853	56.8	4,580	26.4	1,492	8.6	903	5.2	499	2.9	8	0.0
2018	18,284	10,343	56.6	4,880	26.7	1,574	8.6	948	5.2	533	2.9	6	0.0
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

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1991	9,161	6,392	69.8	1,813	19.8	468	5.1	368	4.0	91	1.0	29	0.3
1990	8,844	6,310	71.3	1,732	19.6	408	4.6	300	3.4	69	0.8	25	0.3
1989	7,974	5,767	72.3	1,510	18.9	412	5.2	215	2.7	46	0.6	24	0.3
1988	7,572	5,483	72.4	1,437	19.0	397	5.2	203	2.7	35	0.5	17	0.2
1987	6,674	5,073	76.0	1,066	16.0	367	5.5	124	1.9	27	0.4	17	0.3
1986	6,032	4,627	76.7	865	14.3	337	5.6	160	2.7	25	0.4	18	0.3
1985	6,236	4,815	77.2	898	14.4	332	5.3	143	2.3	19	0.3	29	0.5
1984	5,792	4,608	79.6	735	12.7	301	5.2	113	2.0	16	0.3	19	0.3
1983	5,562	4,406	79.2	748	13.4	271	4.9	114	2.1	9	0.2	15	0.3
1982	6,066	4,912	81.0	751	12.4	263	4.3	103	1.7	16	0.3	21	0.3
1981	5,500	4,498	81.8	596	10.8	306	5.6	86	1.6	10	0.2	4	0.1

Table 7. Offense Type by Race, 2021

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Person Offenses	4,437	46.7%	34.8%	8.8%	7.1%	2.5%	0.0%
Accidents	2	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
Aggravated Robbery 1	130	25.4%	62.3%	5.4%	6.2%	0.8%	0.0%
Aggravated Robbery 2	32	28.1%	53.1%	3.1%	9.4%	6.3%	0.0%
Assault 1	66	33.3%	45.5%	7.6%	10.6%	3.0%	0.0%
Assault 2	269	37.2%	40.5%	11.5%	6.7%	4.1%	0.0%
Assault 3	287	41.1%	34.5%	12.9%	10.1%	1.4%	0.0%
Assault 4	228	48.7%	28.1%	17.1%	5.7%	0.4%	0.0%
Assault 5	64	21.9%	48.4%	20.3%	7.8%	1.6%	0.0%
Burglary 1 (severity=8)	56	51.8%	32.1%	14.3%	1.8%	0.0%	0.0%
Criminal Sexual Conduct (CSC) 1 st Degree	111	53.2%	26.1%	1.8%	14.4%	4.5%	0.0%
CSC 2 nd Degree	121	66.1%	9.9%	4.1%	15.7%	4.1%	0.0%
CSC 3 rd Degree	133	58.6%	20.3%	5.3%	11.3%	4.5%	0.0%
CSC 4 th Degree	75	66.7%	12.0%	8.0%	8.0%	5.3%	0.0%
CSC 5 th Degree	5	60.0%	40.0%	0.0%	0.0%	0.0%	0.0%
Criminal Vehicular Homicide	29	65.5%	17.2%	13.8%	0.0%	3.4%	0.0%
Crim. Vehicular Injury (severity=3)	81	69.1%	22.2%	2.5%	4.9%	1.2%	0.0%
Crim. Vehicular Injury (severity=5)	25	64.0%	24.0%	0.0%	12.0%	0.0%	0.0%
Domestic Assault	436	45.2%	36.9%	9.9%	6.9%	1.1%	0.0%
Dom. Aslt. Strangulation	202	53.0%	30.7%	7.4%	7.4%	1.5%	0.0%
Drive-by Shooting	12	8.3%	75.0%	0.0%	8.3%	8.3%	0.0%
False Imprisonment	8	75.0%	0.0%	25.0%	0.0%	0.0%	0.0%
Interference with Privacy	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Kidnapping(severity=8/9)	4	75.0%	25.0%	0.0%	0.0%	0.0%	0.0%
Kidnapping (severity=6)	5	60.0%	20.0%	20.0%	0.0%	0.0%	0.0%
Malicious Punish. of Child	12	75.0%	16.7%	8.3%	0.0%	0.0%	0.0%

* Includes “unknown/other” race type.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Manslaughter 1 (severity=9)	12	33.3%	58.3%	0.0%	0.0%	8.3%	0.0%
Manslaughter 1 (severity=8)	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Manslaughter 2 (severity=8)	16	37.5%	43.8%	12.5%	6.3%	0.0%	0.0%
Murder 1	12	0.0%	66.7%	0.0%	33.3%	0.0%	0.0%
Murder 2 (severity=10)	42	38.1%	57.1%	2.4%	0.0%	2.4%	0.0%
Murder 2 (severity=11)	56	21.4%	69.6%	5.4%	3.6%	0.0%	0.0%
Murder 3 (severity=9/10)	16	37.5%	31.3%	18.8%	12.5%	0.0%	0.0%
Nonconsensual Dissemination of Private Sexual Images	6	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
Parental Rights	13	53.8%	15.4%	0.0%	30.8%	0.0%	0.0%
Prostitution	30	40.0%	30.0%	3.3%	13.3%	13.3%	0.0%
Simple Robbery	137	26.3%	59.1%	10.2%	4.4%	0.0%	0.0%
Solicit Minor for Sex	38	73.7%	7.9%	10.5%	5.3%	2.6%	0.0%
Stalking (severity=4)	18	83.3%	11.1%	0.0%	0.0%	5.6%	0.0%
Stalking (severity=5)	63	68.3%	22.2%	6.3%	3.2%	0.0%	0.0%
Terroristic Threats (severity=1, 2)	28	57.1%	25.0%	10.7%	7.1%	0.0%	0.0%
Terroristic Threats (severity=4)	692	48.6%	33.7%	6.2%	6.6%	4.9%	0.0%
Violate Restraining Order	824	47.2%	35.4%	9.7%	5.3%	2.2%	0.1%
Other Person Offenses**	25	24.0%	48.0%	16.0%	12.0%	0.0%	0.0%

(Table 7 continues on next page)

* Includes "unknown/other" race type. ** 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	3,784	58.6%	26.1%	7.5%	4.0%	3.8%	0.0%
Arson 1	17	47.1%	35.3%	5.9%	5.9%	5.9%	0.0%
Arson 2	17	64.7%	23.5%	5.9%	5.9%	0.0%	0.0%
Arson 3	8	62.5%	25.0%	0.0%	12.5%	0.0%	0.0%
Burglary 1 (severity=6)	96	56.3%	34.4%	3.1%	4.2%	2.1%	0.0%
Burglary 2 (severity=4)	43	53.5%	37.2%	4.7%	0.0%	4.7%	0.0%
Burglary 2 (severity=5)	206	62.6%	20.4%	9.2%	5.8%	1.9%	0.0%
Burglary 3	449	63.0%	22.0%	9.6%	3.3%	2.0%	0.0%
Check Forgery (severity=1)	9	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Check Forgery (severity=2)	207	72.5%	12.6%	8.7%	3.9%	2.4%	0.0%
Check Forgery (severity=3)	71	50.7%	32.4%	4.2%	5.6%	7.0%	0.0%
Check Forgery (severity=5)	3	33.3%	66.7%	0.0%	0.0%	0.0%	0.0%
Counterfeit Check	19	57.9%	36.8%	0.0%	5.3%	0.0%	0.0%
Counterfeit Currency	18	88.9%	0.0%	0.0%	5.6%	5.6%	0.0%
Criminal Damage Property	178	60.7%	23.6%	8.4%	4.5%	2.8%	0.0%
Financial Transaction Card Fraud	234	50.0%	41.5%	5.6%	2.1%	0.9%	0.0%
Identity Theft	83	47.0%	39.8%	2.4%	6.0%	4.8%	0.0%
Issue Dishonored Check	53	81.1%	9.4%	5.7%	1.9%	1.9%	0.0%
Mail Theft	45	73.3%	15.6%	4.4%	4.4%	2.2%	0.0%
MV Use w/o Consent (severity=3)	432	57.9%	17.6%	8.8%	5.1%	10.6%	0.0%
Other Forgery	8	87.5%	0.0%	0.0%	12.5%	0.0%	0.0%
Poss. Shoplifting Gear	28	50.0%	32.1%	7.1%	7.1%	3.6%	0.0%
Possess Burglary Tools	108	65.7%	13.9%	3.7%	3.7%	13.0%	0.0%
Receiving Stolen Property	372	59.9%	17.2%	11.8%	5.9%	5.1%	0.0%
Theft	832	51.7%	37.0%	7.0%	3.0%	1.3%	0.0%
Theft from Person	48	8.3%	83.3%	6.3%	0.0%	2.1%	0.0%
Theft of a Firearm	17	76.5%	11.8%	5.9%	0.0%	5.9%	0.0%
Theft of MV (severity=4)	66	63.6%	18.2%	12.1%	3.0%	3.0%	0.0%
Theft Over \$35,000	36	80.6%	16.7%	0.0%	0.0%	2.8%	0.0%
Wrongful Obtain. Assist.	41	65.9%	19.5%	2.4%	7.3%	4.9%	0.0%
Other Property Offenses**	40	82.5%	12.5%	0.0%	0.0%	5.0%	0.0%

*Includes "unknown/other" race type. ** 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	3,912	70.2%	12.1%	10.8%	4.7%	2.1%	0.0%
Controlled Substance 1	297	69.7%	15.5%	4.7%	7.4%	2.7%	0.0%
Controlled Substance 2	270	71.1%	10.7%	7.8%	7.0%	3.3%	0.0%
Controlled Substance 3	512	67.4%	14.8%	9.0%	6.8%	2.0%	0.0%
Controlled Substance 4	56	78.6%	12.5%	3.6%	0.0%	5.4%	0.0%
Controlled Substance 5	2,733	70.4%	11.5%	12.3%	3.8%	2.0%	0.0%
Other Drug Offenses**	44	81.8%	4.5%	6.8%	6.8%	0.0%	0.0%
Felony DWI	525	57.5%	23.4%	10.3%	7.0%	1.7%	0.0%
Non-CSC Sex Offense	383	60.1%	19.8%	10.2%	7.0%	2.9%	0.0%
Child Pornography	88	88.6%	1.1%	3.4%	4.5%	2.3%	0.0%
Fail to Register-Predatory Offender	293	51.2%	25.6%	12.3%	7.8%	3.1%	0.0%
Use Minors Sex. Performance	4	50.0%	25.0%	0.0%	25.0%	0.0%	0.0%
Indecent Exposure	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Weapons	580	35.9%	48.6%	8.4%	5.0%	2.1%	0.0%
Discharge Firearm	47	36.2%	51.1%	2.1%	4.3%	6.4%	0.0%
Felon with Gun	486	34.6%	49.7%	9.5%	4.3%	1.9%	0.0%
Other Weapon Related	49	49.0%	34.7%	4.1%	12.2%	0.0%	0.0%
Other Offenses	808	54.3%	24.3%	13.4%	5.6%	2.2%	0.0%
Accomplice After Fact	23	47.8%	47.8%	0.0%	4.3%	0.0%	0.0%
Aid Offender	23	34.8%	30.4%	30.4%	4.3%	0.0%	0.0%
Bribery	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Escape (severity=3)	44	59.1%	15.9%	22.7%	2.3%	0.0%	0.0%
Failure to Appear	11	81.8%	9.1%	9.1%	0.0%	0.0%	0.0%
Flee Police in MV	637	53.7%	25.0%	13.0%	6.1%	2.2%	0.0%
Lottery Fraud	5	60.0%	40.0%	0.0%	0.0%	0.0%	0.0%
Obstruct Legal Process	9	55.6%	33.3%	11.1%	0.0%	0.0%	0.0%
Perjury	3	66.7%	0.0%	33.3%	0.0%	0.0%	0.0%
Tamper with Witness	2	50.0%	0.0%	50.0%	0.0%	0.0%	0.0%
Tax Offenses	23	65.2%	4.3%	0.0%	4.3%	17.4%	0.0%
Not Listed Elsewhere**	34	55.9%	20.6%	14.7%	8.8%	0.0%	0.0%
Total	14,429	56.9%	25.5%	9.3%	5.5%	2.7%	0.0%

*Includes "unknown/other" race type. **Offenses having low numbers of offenders are grouped in the "other" categories.

Table 8. Volume of Cases by Judicial District, 1981–2021

Year	Judicial District									
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th
2021	2,061	1,352	955	2,541	964	702	1,693	532	1,490	2,139
2020	1,470	956	864	2,299	851	547	1,280	332	1,151	1,767
2019	2,213	1,902	1,254	3,551	1,064	732	1,810	522	1,620	2,667
2018	2,484	1,813	1,361	4,070	1,016	831	1,874	453	1,755	2,627
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 9: 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 cases are included in the severity-level groups that most closely correspond to how those offenses were ranked before the implementation of those Grids.

Table 9. Volume of Cases by Severity-Level Group & Criminal-History Group, 1978, 1981–2021

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
2021	10,465	72.5	2,663	18.5	1,301	9.0	4,591	31.8	5,519	38.2	4,319	29.9
2020	8,307	72.1	2,142	18.6	1,068	9.3	3,519	30.6	4,707	40.9	3,291	28.6
2019	12,741	73.5	3,089	17.8	1,505	8.7	4,800	27.7	7,446	43.0	5,089	29.4
2018	13,488	73.8	3,162	17.3	1,634	8.9	5,505	30.1	7,888	43.1	4,891	26.8
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

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
1990	6,281	71.0	1,774	20.1	789	8.9	4,594	51.9	3,015	34.1	1,235	14.0
1989	5,612	70.4	1,723	21.6	639	8.0	3,989	50.0	2,704	33.9	1,281	16.1
1988	5,402	71.3	1,611	21.3	559	7.4	3,849	50.8	2,493	32.9	1,230	16.2
1987	4,863	72.9	1,356	20.3	455	6.8	3,372	50.5	2,234	33.5	1,068	16.0
1986	4,502	74.6	1,114	18.5	416	6.9	3,149	52.2	2,025	33.6	858	14.2
1985	4,514	72.4	1,245	20.0	477	7.6	3,243	52.0	2,076	33.4	917	14.7
1984	4,211	72.7	1,122	19.4	459	7.9	3,111	53.7	1,950	33.7	731	12.6
1983	4,413	79.3	757	13.6	392	7.0	2,964	53.3	1,871	33.6	727	13.1
1982	4,896	80.7	735	12.1	435	7.2	3,545	58.4	1,812	29.9	709	11.7
1981	4,487	81.6	644	11.7	369	6.7	3,399	61.8	1,650	30.0	451	8.2
1978	3,406	78.0	609	13.9	355	8.1	2,554	58.5	1,505	34.4	309	7.1

How to read tables 10a, 10b, and 10c: The format of tables 10a–10c mirror the formats of the Standard Grid, Sex Offender Grid and Drug Offender Grid, respectively. The first number in each cell is the number of cases sentenced at that severity level and that criminal history score. The second number is the percentage of cases 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 cases sentenced in 2021, 434 had a Criminal History Score of 0 and were sentenced for a Severity Level 1 offense. Of the cases sentenced for Severity Level 1 offenses, 42.5 percent had a Criminal History Score of 0 (the row percent). Of the cases at a Criminal History Score of 0, 13.5 percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2021, 873 cases were sentenced using the Sex Offender Grid. Those cases are excluded from Table 10a (p. 54) and are displayed on Table 10b (p. 55).

The Drug Offender Grid went into effect August 1, 2016. In 2021, 3,817 cases were sentenced using the Drug Offender Grid. Those cases are excluded from tables 10a (p. 54) and 10b (p. 55) and are displayed on Table 10c (p. 56).

Table 10a. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Standard Grid, 2021

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Murder 1	4 33.3% 0.1%	2 16.7% 0.2%	2 16.7% 0.2%	0 0.0% 0.0%	2 16.7% 0.2%	0 0.0% 0.0%	2 16.7% 0.1%	12 100.0% 0.1%
Severity Level 11	23 41.1% 0.7%	2 3.6% 0.2%	13 23.2% 1.1%	5 8.9% 0.5%	4 7.1% 0.5%	3 5.4% 0.4%	6 10.7% 0.4%	56 100.0% 0.6%
Severity Level 10	22 46.8% 0.7%	6 12.8% 0.5%	6 12.8% 0.5%	0 0.0% 0.0%	4 8.5% 0.5%	2 4.3% 0.3%	7 14.9% 0.5%	47 100.0% 0.5%
Severity Level 9	48 46.6% 1.5%	13 12.6% 1.0%	13 12.6% 1.1%	6 5.8% 0.6%	6 5.8% 0.7%	7 6.8% 1.0%	10 9.7% 0.7%	103 100.0% 1.1%
Severity Level 8	118 39.9% 3.7%	45 15.2% 3.6%	28 9.5% 2.3%	29 9.8% 2.8%	24 8.1% 2.8%	15 5.1% 2.2%	37 12.5% 2.6%	296 100.0% 3.0%
Severity Level 7	151 28.1% 4.7%	83 15.5% 6.6%	92 17.1% 7.5%	61 11.4% 5.8%	53 9.9% 6.1%	40 7.4% 5.8%	57 10.6% 4.1%	537 100.0% 5.5%
Severity Level 6	237 25.4% 7.4%	115 12.3% 9.1%	134 14.3% 10.9%	124 13.3% 11.8%	99 10.6% 11.4%	82 8.8% 11.8%	143 15.3% 10.2%	934 100.0% 9.6%
Severity Level 5	177 36.3% 5.5%	79 16.2% 6.2%	57 11.7% 4.6%	35 7.2% 3.3%	36 7.4% 4.1%	23 4.7% 3.3%	80 16.4% 5.7%	487 100.0% 5.0%
Severity Level 4	1,039 32.2% 32.3%	418 13.0% 33.0%	417 12.9% 33.8%	384 11.9% 36.5%	304 9.4% 35.0%	230 7.1% 33.2%	433 13.4% 30.9%	3,225 100.0% 33.2%
Severity Level 3	410 33.4% 12.8%	167 13.6% 13.2%	143 11.6% 11.6%	124 10.1% 11.8%	96 7.8% 11.1%	86 7.0% 12.4%	203 16.5% 14.5%	1,229 100.0% 12.6%
Severity Level 2	550 31.0% 17.1%	215 12.1% 17.0%	238 13.4% 19.3%	188 10.6% 17.9%	152 8.6% 17.5%	143 8.1% 20.7%	290 16.3% 20.7%	1,776 100.0% 18.3%
Severity Level 1	434 42.5% 13.5%	120 11.8% 9.5%	90 8.8% 7.3%	95 9.3% 9.0%	88 8.6% 10.1%	61 6.0% 8.8%	133 13.0% 9.5%	1,021 100.0% 10.5%
Column Total	3,213 33.0% 100.0%	1,265 13.0% 100.0%	1,233 12.7% 100.0%	1,051 10.8% 100.0%	868 8.9% 100.0%	692 7.1% 100.0%	1,401 14.4% 100.0%	9,723 100.0% 100.0%

Table 10b. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Sex Offender Grid, 2021

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level A	57	13	6	16	6	2	8	108
	52.8%	12.0%	5.6%	14.8%	5.6%	1.9%	7.4%	100.0%
	16.0%	12.7%	7.5%	15.8%	7.9%	3.8%	7.5%	12.4%
Severity Level B	30	5	2	2	1	2	1	43
	69.8%	11.6%	4.7%	4.7%	2.3%	4.7%	2.3%	100.0%
	8.4%	4.9%	2.5%	2.0%	1.3%	3.8%	0.9%	4.9%
Severity Level C	37	7	7	4	3	4	6	68
	54.4%	10.3%	10.3%	5.9%	4.4%	5.9%	8.8%	100.0%
	10.4%	6.9%	8.8%	4.0%	3.9%	7.7%	5.7%	7.8%
Severity Level D	93	25	2	7	5	3	8	143
	65.0%	17.5%	1.4%	4.9%	3.5%	2.1%	5.6%	100.0%
	26.1%	24.5%	2.5%	6.9%	6.6%	5.8%	7.5%	16.4%
Severity Level E	30	6	3	4	1	4	2	50
	60.0%	12.0%	6.0%	8.0%	2.0%	8.0%	4.0%	100.0%
	8.4%	5.9%	3.8%	4.0%	1.3%	7.7%	1.9%	5.7%
Severity Level F	26	8	5	6	7	3	8	63
	41.3%	12.7%	7.9%	9.5%	11.1%	4.8%	12.7%	100.0%
	7.3%	7.8%	6.3%	5.9%	9.2%	5.8%	7.5%	7.2%
Severity Level G	58	10	15	9	5	2	7	106
	54.7%	9.4%	14.2%	8.5%	4.7%	1.9%	6.6%	100.0%
	16.3%	9.8%	18.8%	8.9%	6.6%	3.8%	6.6%	12.1%
Severity Level H	0	0	0	0	0	0	0	0
	0%	0%	0%	0%	0%	0%	0%	---
	0%	0%	0%	0%	0%	0%	0%	---
Severity Level I ²⁶	25	28	40	53	48	32	66	292
	8.6%	9.6%	13.7%	18.2%	16.4%	11.0%	22.6%	100.0%
	7.0%	27.5%	50.0%	52.5%	63.2%	61.5%	62.3%	33.4%
Column Total	356	102	80	101	76	52	106	873
	40.8%	11.7%	9.2%	11.6%	8.7%	6.0%	12.1%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

²⁶ As explained in footnote 1 (p. 2), “Severity Level H” was renamed “Severity Level I” effective September 15, 2021. While all failure to register as a predatory offender cases sentenced in 2021 were committed before September 15, 2021, and therefore ranked at what was then called “Severity Level H,” Table 10c displays them at “Severity Level I” to reflect the name of the applicable severity level as shown on the current Sex Offender Grid (Appendix 3, p. 83).

Table 10c. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Drug Offender Grid, 2021

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level D9	3	3	1	2	1	0	0	10
	30.0%	30.0%	10.0%	20.0%	10.0%	0.0%	0.0%	100.0%
	0.3%	0.4%	0.2%	0.5%	0.3%	0.0%	0.0%	0.3%
Severity Level D8	85	34	36	31	32	23	47	288
	29.5%	11.8%	12.5%	10.8%	11.1%	8.0%	16.3%	100.0%
	8.4%	4.9%	6.6%	7.0%	8.3%	8.7%	9.9%	7.5%
Severity Level D7	83	37	28	23	29	13	54	267
	31.1%	13.9%	10.5%	8.6%	10.9%	4.9%	20.2%	100.0%
	8.2%	5.3%	5.2%	5.2%	7.6%	4.9%	11.3%	7.0%
Severity Level D6	154	78	62	60	46	32	75	507
	30.4%	15.4%	12.2%	11.8%	9.1%	6.3%	14.8%	100.0%
	15.2%	11.3%	11.4%	13.6%	12.0%	12.2%	15.7%	13.3%
Severity Level D5	0	0	0	0	0	0	0	0
	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	---
Severity Level D4	16	11	5	6	9	2	5	54
	29.6%	20.4%	9.3%	11.1%	16.7%	3.7%	9.3%	100.0%
	1.6%	1.6%	0.9%	1.4%	2.3%	0.8%	1.0%	1.4%
Severity Level D3	21	10	2	1	0	0	2	36
	58.3%	27.8%	5.6%	2.8%	0.0%	0.0%	5.6%	100.0%
	2.1%	1.4%	0.4%	0.2%	0.0%	0.0%	0.4%	0.9%
Severity Level D2	653	520	406	319	267	193	294	2,652
	24.6%	19.6%	15.3%	12.0%	10.1%	7.3%	11.1%	100.0%
	64.3%	75.0%	74.9%	72.2%	69.5%	73.4%	61.6%	69.5%
Severity Level D1	1	0	2	0	0	0	0	3
	33.3%	0.0%	66.7%	0.0%	0.0%	0.0%	0.0%	100.0%
	0.1%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%	0.1%
Column Total	1,016	693	542	442	384	263	477	3,817
	26.6%	18.2%	14.2%	11.6%	10.1%	6.9%	12.5%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Incarceration Rates

How to read Table 11: The following table shows the percentage of cases by gender for which the Guidelines recommended prison (“Presumptive”) and a prison sentence was pronounced (“Actual”). For example, of the 11,715 males sentenced in 2021 (Table 4, p. 41), 40.5 percent had a presumptive prison disposition and 24.8 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 11. Presumptive and Actual Imprisonment Rates by Gender, 1978, 1981–2021

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
2021	14,429	36.1	3,104	21.5	40.5	24.8	17.4	7.5
2020	11,517	35.5	2,602	22.6	39.6	25.4	16.2	9.4
2019	17,335	34.4	4,154	24.0	38.8	27.3	16.5	10.2
2018	18,284	32.6	4,226	23.1	36.9	26.3	15.8	10.6
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

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
1990	8,844	25.0	1,725	19.5	27.6	21.9	11.4	7.6
1989	7,974	25.5	1,752	22.0	28.2	24.2	11.6	10.7
1988	7,572	24.5	1,586	20.9	27.4	23.5	9.0	7.4
1987	6,674	23.5	1,443	21.6	26.4	24.2	8.5	8.4
1986	6,032	22.2	1,198	19.9	24.9	22.3	7.5	6.9
1985	6,236	23.3	1,186	19.0	26.0	21.1	8.0	7.6
1984	5,792	21.9	1,134	19.6	24.1	21.5	6.9	6.6
1983	5,562	20.4	1,140	20.5	22.6	22.3	7.2	8.8
1982	6,066	18.7	1,128	18.6	20.8	20.5	5.4	6.4
1981	5,500	15.0	825	15.0	16.2	16.2	5.6	5.5
1978	4,369	NA	891	20.4	NA	21.9	NA	9.2

How to read Table 12: The following table shows the percentage for each race/ethnicity in which the Guidelines presumed an executed prison sentence (“Presumptive”) and for which actually received an executed prison sentence (“Actual”). For example, of the 8,217 people sentenced in 2021 who are white (Table 6, p. 45), 33.3 percent had a presumptive prison disposition and 19.4 percent received a sentence of imprisonment. The actual imprisonment rates in this table and the local incarceration rates in Table 15 (p. 64) can be added together to derive the total incarceration rate.

Table 12. Presumptive and Actual Imprisonment Rate by Race/Ethnicity, 1978, 1981–2021

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
2021	33.3	19.4	44.1	24.6	31.8	24.0	35.7	25.6	36.8	21.1	0.0	0.0
2020	31.9	20.1	44.8	27.7	33.5	23.6	33.6	24.8	31.3	18.1	0.0	0.0
2019	31.0	21.4	43.3	30.1	29.0	22.4	35.4	25.7	34.3	21.4	0.0	0.0
2018	28.0	19.5	42.8	30.0	28.8	23.7	36.5	27.2	32.6	21.6	0.0	0.0
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

* In this table, “--” means there were no cases 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
1999	22.2	19.2	33.7	28.6	29.6	27.7	33.7	30.6	30.4	25.4	25.5	21.8
1998	22.1	19.9	35.7	30.2	29.6	26.9	33.6	28.3	29.0	20.4	20.4	11.1
1997	23.4	19.1	36.0	26.5	32.5	30.0	35.4	28.2	24.2	13.6	18.2	15.9
1996	23.8	20.2	36.6	29.9	28.3	25.4	29.2	22.3	21.4	16.1	24.4	14.6
1995	23.4	19.5	35.8	28.5	35.4	29.5	30.0	23.6	30.3	23.0	25.9	18.5
1994	22.9	18.1	36.1	27.8	31.1	25.2	26.1	18.8	23.3	17.6	33.3	20.8
1993	22.8	17.9	37.7	30.2	31.0	25.0	28.5	21.4	33.3	25.8	18.4	18.4
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 13: The following table shows the percentage of cases sentenced in each Minnesota Judicial District in which the Guidelines presumed an executed prison sentence (“Pres.”) and for which an executed prison sentence was received (“Act.”). For example, of the 2,541 cases sentenced in the Fourth Judicial District in 2021 (Table 8, p. 51), 41.2 percent had a recommended prison disposition and 22.3 percent received a sentence of incarceration in a state prison. The actual imprisonment rates in this table and the local incarceration rates in Table 16 (p. 65) can be added together to derive the total incarceration rate.

Table 13. Presumptive and Actual Imprisonment Rates by Minnesota Judicial District, 1978, 1981–2021

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.
2021	29.3	18.7	48.4	21.3	36.9	22.5	41.2	22.3	31.2	21.5	36.0	18.4	35.6	25.3	26.1	20.5	33.6	25.6	35.4	18.4
2020	30.1	20.3	46.5	24.4	35.6	23.4	40.8	23.5	28.9	20.1	33.8	18.1	33.2	24.2	25.6	22.9	35.5	28.1	34.0	19.8
2019	27.2	18.5	41.9	22.2	36.0	24.2	38.4	26.6	31.7	21.8	36.2	23.4	33.0	27.5	32.2	27.6	29.6	25.9	33.9	22.8
2018	26.3	18.2	41.7	24.5	35.3	24.0	36.5	26.5	28.7	19.3	35.6	19.3	32.9	27.7	27.8	22.3	26.7	23.2	30.0	20.6
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

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.
1997	22.8	19.6	27.9	22.5	28.1	21.3	37.9	26.5	20.3	19.6	25.1	17.0	24.1	22.4	24.8	21.8	26.0	25.1	22.5	17.8
1996	25.5	20.6	29.9	25.1	26.1	22.2	36.8	27.6	20.5	19.7	23.6	20.1	20.6	19.4	25.7	22.9	26.0	21.7	23.0	21.3
1995	21.6	18.4	26.6	21.4	25.6	19.2	39.5	29.8	25.5	23.5	27.2	18.9	22.5	17.9	27.1	28.6	21.7	22.0	23.3	20.9
1994	19.1	14.5	25.0	18.4	25.0	15.9	40.2	30.1	18.3	18.3	21.9	16.8	23.1	21.5	28.2	23.2	24.4	20.6	21.7	17.2
1993	22.9	18.5	26.8	23.6	21.8	15.6	41.1	29.6	17.0	15.7	23.3	17.7	21.1	18.2	24.8	20.9	20.8	18.0	22.6	17.7
1992	20.4	15.7	24.4	20.7	23.1	16.5	38.4	27.1	20.7	19.9	21.4	19.0	20.7	18.6	21.4	20.8	22.2	18.3	22.4	17.3
1991	20.2	16.3	22.9	18.6	19.9	11.8	36.6	27.6	19.4	16.4	17.8	15.3	19.5	16.3	19.7	18.0	21.8	17.8	22.3	16.4
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 14: The following table shows the percentage of cases by gender receiving incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 11,715 males sentenced in 2021 (Table 4, p. 41), 62.3 percent received incarceration in a local correctional facility as a condition of a stayed sentence.

Table 14. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender, 1978, 1981–2021

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
2021	14,429	9,258	64.2	62.3	72.4
2020	11,517	7,749	67.3	65.2	76.8
2019	17,335	11,700	67.5	65.2	77.1
2018	18,284	12,434	68.0	65.7	77.2
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

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
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 15: The following table shows the percentage of cases by race/ethnicity receiving incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 8,217 cases sentenced in 2021 in which the person was white (Table 6, p. 45), 65.6 percent received incarceration in a local facility as a condition of a stayed sentence.

Table 15. Incarceration in Local Correctional Facilities by Race/Ethnicity, 1978, 1981–2021

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
2021	14,429	9,258	64.2	65.6	60.7	63.9	64.8	66.3	100.0
2020	11,517	7,749	67.3	68.4	64.1	68.4	67.3	71.0	75.0
2019	17,335	11,700	67.5	69.1	63.4	69.0	66.3	72.1	62.5
2018	18,284	12,434	68.0	70.6	63.0	66.6	65.8	71.9	33.3
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

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
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 16: The following table shows the percentage of cases sentenced in each Minnesota Judicial District receiving incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 2,541 cases sentenced in the Fourth Judicial District in 2021 (Table 1, p. 19), 52.3 percent received a sentence including incarceration in a local correctional facility.

Table 16. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981–2021

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
2021	68.1	74.3	57.7	52.3	66.5	66.0	68.1	70.9	54.9	70.9
2020	69.7	74.5	60.5	62.9	71.3	69.8	71.5	70.5	53.3	73.0
2019	73.4	76.5	62.0	63.7	69.1	64.5	68.8	68.4	52.0	72.4
2018	74.7	72.3	62.0	63.9	71.7	66.3	68.8	72.0	55.3	74.5
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

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
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 17. Dispositional Departures by Gender, Race, & Judicial District, 2021

		Total Number	Total Dispositional Departure Rate (%)	All Cases by Dispositional Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	11,715	17.8	9,624	82.2	20	0.2	1,575	17.7
	Female	2,712	11.6	2,398	88.4	1	0.0	188	11.5
Race/Ethnicity	White	8,217	16.0	6,900	84.0	13	0.2	1,304	15.9
	Black	3,684	20.9	2,913	79.1	5	0.1	766	20.8
	American Indian	1,348	10.9	1,201	89.1	2	0.1	145	10.8
	Hispanic	788	12.6	689	87.4	1	0.1	98	12.4
	Asian	389	18.3	318	81.7	0	0.0	71	18.3
	Other/ Unknown	1	0.0	1	100.0	0	---	0	---
	Judicial District	First	2,061	12.6	1,802	87.4	4	0.2	255
	Second	1,352	28.4	968	71.6	2	0.1	382	28.3
	Third	955	17.1	792	82.9	0	0.0	163	17.1
	Fourth	2,541	19.8	2,038	80.2	6	0.2	497	19.6
	Fifth	964	13.1	838	86.9	2	0.2	124	12.9
	Sixth	702	19.1	568	80.9	1	0.1	133	18.9
	Seventh	1,693	13.3	1,468	86.7	3	0.2	222	13.1
	Eighth	532	8.6	486	91.4	0	0.0	46	8.6
	Ninth	1,490	12.0	1,311	88.0	1	0.1	178	11.9
	Tenth	2,139	18.0	1,753	82.0	2	0.1	384	18.0
	Total	14,429	16.7	12,024	83.3	21	0.1	2,384	16.5

Table 18. Dispositional Departures by Presumptive Disposition, by Gender, Race/Ethnicity, & Judicial District, 2021

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2021 Rate (%)	2017–21 5-Yr. Rate
	Male	11,715	6,976	20	0.3	4,739	2,071	43.7	38.3
	Female	2,712	2,241	1	0.0	471	313	66.5	58.3
Race/Ethnicity	White	8,217	5,484	13	0.2	2,733	1,304	47.7	43.1
	Black	3,684	2,060	5	0.2	1,624	766	47.2	38.0
	American Indian	1,348	919	2	0.2	429	145	33.8	33.1
	Hispanic	788	507	1	0.2	281	98	34.9	35.1
	Asian	389	246	0	---	143	71	49.7	44.0
	Other/Unknown	1	1	0	---	0	---	---	64.7
		Total	14,429	9,219	21	0.2	5,210	2,384	45.8
Judicial District	First	2,061	1,457	4	0.3	604	255	42.2	41.0
	Second	1,352	698	2	0.3	654	382	58.4	49.0
	Third	955	603	0	---	352	163	46.3	42.0
	Fourth	2,541	1,494	6	0.4	1,047	497	47.5	38.0
	Fifth	964	663	2	0.3	301	124	41.2	41.5
	Sixth	702	449	1	0.2	253	133	52.6	46.6
	Seventh	1,693	1,090	3	0.3	603	222	36.8	32.3
	Eighth	532	393	0	---	139	46	33.1	31.0
	Ninth	1,490	990	1	0.1	500	178	35.6	33.8
	Tenth	2,139	1,382	2	0.1	757	384	50.7	43.2

Table 19. Durational Departures, 1981–2021

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
2021	14,429	15.6	12,182	84.4	424 ²⁷	2.9	1,823	12.6
2020	11,517	13.8	9,931	86.2	179	1.6	1,394	12.1
2019	17,335	13.7	12,008	86.2	251	1.4	2,131	12.3

²⁷ This includes 182 cases that were a departure from the new five-year presumptive probation cap, effective for crimes committed on or after August 1, 2020: Such a departure occurred in 1.3 percent of the 2021 cases.

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
2018	18,284	13.5	15,811	86.5	258	1.4	2,215	12.1
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 20. Durational Departures by Gender, Race, & Judicial District, 2021

		Total Number	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	11,715	15.8	9864	84.2	365	3.1	1486	12.7
	Female	2,712	14.5	2318	85.5	59	2.2	335	12.4
Race/Ethnicity	White	8,217	13.4	7114	86.6	252	3.1	851	10.4
	Black	3,684	21.2	2903	78.8	102	2.8	679	18.4
	American Indian	1,348	11.5	1193	88.5	33	2.4	122	9.1
	Hispanic	788	15.4	667	84.6	24	3.0	97	12.3
	Asian	389	21.9	304	78.1	13	3.3	72	18.5
	Other/Unknown	1	0.0	1	100.0	0	0.0	0	0.0
Judicial District	First	2,061	19.8	1652	80.2	97	4.7	312	15.1
	Second	1,352	29.7	951	70.3	16	1.2	385	28.5
	Third	955	7.3	885	92.7	30	3.1	40	4.2
	Fourth	2,541	25.9	1882	74.1	64	2.5	595	23.4
	Fifth	964	8.9	878	91.1	23	2.4	63	6.5
	Sixth	702	5.7	662	94.3	3	0.4	37	5.3
	Seventh	1,693	11.3	1502	88.7	79	4.7	112	6.6
	Eighth	532	3.6	513	96.4	8	1.5	11	2.1
	Ninth	1,490	7.9	1373	92.1	53	3.6	64	4.3
	Tenth	2,139	11.9	1884	88.1	51	2.4	204	9.5
	Total*	14,429	15.6	12,182	84.4	424	2.9	1,823	12.6

Table 21. Durational Departures for Executed Prison Sentences by Gender, Race/Ethnicity, & Judicial District, 2021

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2021 Rate	2017–21 5-Yr. Rate
	Male	2,901	22.8	2,239	77.2	89	3.1	573	19.8	21.4
	Female	203	19.2	164	80.8	8	3.9	31	15.3	19.3
Race/Ethnicity	White	1,591	18.5	1,296	81.5	47	3.0	248	15.6	16.8
	Black	906	30.8	627	69.2	33	3.6	246	27.2	29.3
	American Indian	323	18.3	264	81.7	6	1.9	53	16.4	17.6
	Hispanic	202	19.3	163	80.7	8	4.0	31	15.3	17.9
	Asian	82	35.4	53	64.6	3	3.7	26	31.7	25.5
	Other/Unknown	0	---	---	---	---	---	---	---	11.1
	Judicial District	First	386	22.3	300	77.7	19	4.9	67	17.4
Second		288	48.3	149	51.7	3	1.0	136	47.2	39.6
Third		215	10.7	192	89.3	7	3.3	16	7.4	8.3
Fourth		567	41.8	330	58.2	25	4.4	212	37.4	39.2
Fifth		207	12.1	182	87.9	8	3.9	17	8.2	15.3
Sixth		129	10.9	115	89.1	1	0.8	13	10.1	11.0
Seventh		429	16.6	358	83.4	11	2.6	60	14.0	15.3
Eighth		109	7.3	101	92.7	3	2.8	5	4.6	4.8
Ninth		381	11.3	338	88.7	7	1.8	36	9.4	10.7
Tenth		393	14.0	338	86.0	13	3.3	42	10.7	11.4
	Total	3,104	22.6	2,403	77.4	97	3.1	604	19.5	21.2

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 2021, it was the highest it has ever been at 7.1 percent.

Table 22. Felony Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981–2021

Year	Total Number of Cases	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
2021	14,429	1,028	7.1
2020	11,517	699	6.1
2019	17,335	1,071	6.2
2018	18,284	1,040	5.7
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
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

County Tables

Table 23. Volume of Cases Sentenced & Incarceration Rates by County, 2021

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
	2020	2021	Percent Change	Prison		Local Confinement		Number	Rate (%)
				Number	Rate (%)	Number	Rate (%)		
Aitkin	57	91	+59.6	19	20.9	62	68.1	81	89.0
Anoka	550	676	+22.9	122	18.0	472	69.8	594	87.9
Becker	136	213	+56.6	59	27.7	151	70.9	210	98.6
Beltrami	174	202	+16.1	46	22.8	149	73.8	195	96.5
Benton	124	128	+3.2	31	24.2	90	70.3	121	94.5
Big Stone	19	15	-21.1	3	20.0	12	80.0	15	100.0
Blue Earth	246	245	-0.4	60	24.5	154	62.9	214	87.3
Brown	37	68	+83.8	14	20.6	51	75.0	65	95.6
Carlton	93	99	+6.5	17	17.2	79	79.8	96	97.0
Carver	127	135	+6.3	30	22.2	57	42.2	87	64.4
Cass	115	147	+27.8	31	21.1	96	65.3	127	86.4
Chippewa	34	51	+50.0	12	23.5	30	58.8	42	82.4
Chisago	102	105	+2.9	33	31.4	62	59.0	95	90.5
Clay	165	292	+77.0	85	29.1	205	70.2	290	99.3
Clearwater	14	15	+7.1	6	40.0	7	46.7	13	86.7
Cook	5	0	-100.0	0	0.0	0	0.0	0	0.0
Cottonwood	36	34	-5.6	5	14.7	5	14.7	10	29.4
Crow Wing	152	222	+46.1	56	25.2	55	24.8	111	50.0
Dakota	761	1,057	+38.9	197	18.6	730	69.1	927	87.7
Dodge	23	35	+52.2	5	14.3	21	60.0	26	74.3
Douglas	69	100	+44.9	11	11.0	88	88.0	99	99.0
Faribault	35	35	+0.0	5	14.3	29	82.9	34	97.1
Fillmore	20	24	+20.0	4	16.7	19	79.2	23	95.8
Freeborn	96	98	+2.1	21	21.4	70	71.4	91	92.9
Goodhue	146	198	+35.6	26	13.1	167	84.3	193	97.5
Grant	9	15	+66.7	2	13.3	13	86.7	15	100.0
Hennepin	2,299	2,541	+10.5	567	22.3	1,330	52.3	1,897	74.7
Houston	17	9	-47.1	1	11.1	6	66.7	7	77.8
Hubbard	58	62	+6.9	14	22.6	46	74.2	60	96.8
Isanti	107	128	+19.6	21	16.4	93	72.7	114	89.1
Itasca	164	209	+27.4	35	16.7	155	74.2	190	90.9
Jackson	21	30	+42.9	4	13.3	20	66.7	24	80.0
Kanabec	58	60	+3.4	14	23.3	41	68.3	55	91.7
Kandiyohi	83	156	+88.0	27	17.3	127	81.4	154	98.7
Kittson	3	5	+66.7	0	0.0	2	40.0	2	40.0

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
	2020	2021	Percent Change	Prison		Local Confinement		Number	Rate (%)
				Number	Rate (%)	Number	Rate (%)		
Koochiching	49	41	-16.3	9	22.0	19	46.3	28	68.3
Lac Qui Parle	13	16	+23.1	0	0.0	13	81.3	13	81.3
Lake	9	18	+100.0	1	5.6	12	66.7	13	72.2
Lake of the Woods	5	8	+60.0	2	25.0	3	37.5	5	62.5
Le Sueur	34	40	+17.6	4	10.0	25	62.5	29	72.5
Lincoln	5	3	-40.0	1	33.3	2	66.7	3	100.0
Lyon	81	77	-4.9	18	23.4	57	74.0	75	97.4
McLeod	77	109	+41.6	15	13.8	90	82.6	105	96.3
Mahnomen	57	76	+33.3	15	19.7	45	59.2	60	78.9
Marshall	11	7	-36.4	1	14.3	5	71.4	6	85.7
Martin	91	96	+5.5	14	14.6	78	81.3	92	95.8
Meeker	31	57	+83.9	19	33.3	37	64.9	56	98.2
Mille Lacs	115	118	+2.6	31	26.3	78	66.1	109	92.4
Morrison	77	104	+35.1	26	25.0	75	72.1	101	97.1
Mower	138	135	-2.2	43	31.9	44	32.6	87	64.4
Murray	7	18	+157.1	4	22.2	8	44.4	12	66.7
Nicollet	55	74	+34.5	19	25.7	44	59.5	63	85.1
Nobles	85	114	+34.1	26	22.8	69	60.5	95	83.3
Norman	12	16	+33.3	6	37.5	3	18.8	9	56.3
Olmsted	240	248	+3.3	63	25.4	128	51.6	191	77.0
Otter Tail	189	245	+29.6	38	15.5	171	69.8	209	85.3
Pennington	45	74	+64.4	22	29.7	25	33.8	47	63.5
Pine	127	175	+37.8	25	14.3	121	69.1	146	83.4
Pipestone	34	36	+5.9	0	0.0	32	88.9	32	88.9
Polk	201	282	+40.3	116	41.1	127	45.0	243	86.2
Pope	14	16	+14.3	5	31.3	10	62.5	15	93.8
Ramsey	956	1,352	+41.4	288	21.3	1,004	74.3	1,292	95.6
Red Lake	8	6	-25.0	1	16.7	3	50.0	4	66.7
Redwood	76	94	+23.7	27	28.7	65	69.1	92	97.9
Renville	29	44	+51.7	8	18.2	23	52.3	31	70.5
Rice	100	117	+17.0	21	17.9	74	63.2	95	81.2
Rock	10	11	+10.0	2	18.2	7	63.6	9	81.8
Roseau	26	27	+3.8	2	7.4	16	59.3	18	66.7
St. Louis	440	585	+33.0	111	19.0	372	63.6	483	82.6
Scott	299	486	+62.5	110	22.6	305	62.8	415	85.4
Sherburne	195	255	+30.8	47	18.4	183	71.8	230	90.2
Sibley	26	36	+38.5	4	11.1	30	83.3	34	94.4
Stearns	329	403	+22.5	123	30.5	237	58.8	360	89.3

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
	2020	2021	Percent Change	Prison		Local Confinement		Number	Rate (%)
				Number	Rate (%)	Number	Rate (%)		
Steele	82	97	+18.3	26	26.8	64	66.0	90	92.8
Stevens	19	16	-15.8	4	25.0	12	75.0	16	100.0
Swift	15	42	+180.0	6	14.3	33	78.6	39	92.9
Todd	34	37	+8.8	9	24.3	27	73.0	36	97.3
Traverse	8	19	+137.5	5	26.3	13	68.4	18	94.7
Wabasha	31	40	+29.0	8	20.0	16	40.0	24	60.0
Wadena	42	53	+26.2	16	30.2	31	58.5	47	88.7
Waseca	37	56	+51.4	5	8.9	41	73.2	46	82.1
Washington	410	419	+2.2	83	19.8	312	74.5	395	94.3
Watonwan	32	29	-9.4	8	27.6	20	69.0	28	96.6
Wilkin	26	39	+50.0	6	15.4	26	66.7	32	82.1
Winona	80	96	+20.0	18	18.8	68	70.8	86	89.6
Wright	218	321	+47.2	48	15.0	233	72.6	281	87.5
Yellow Medicine	32	46	+43.8	12	26.1	28	60.9	40	87.0
Total	11,517	14,429	+25.3	3,104	21.5	9,258	64.2	12,362	85.7

Table 24. Dispositional Departure Rates by County, 2021

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Aitkin	91	75	82.4	60	1	1.7	31	15	48.4
Anoka	676	533	78.8	415	1	0.2	261	142	54.4
Becker	213	189	88.7	139	1	0.7	74	23	31.1
Beltrami	202	191	94.6	148	0	0.0	54	11	20.4
Benton	128	119	93.0	92	0	0.0	36	9	25.0
Big Stone	15	13	86.7	11	0	0.0	4	2	50.0
Blue Earth	245	212	86.5	161	1	0.6	84	32	38.1
Brown	68	63	92.6	51	0	0.0	17	5	29.4
Carlton	99	79	79.8	62	0	0.0	37	20	54.1
Carver	135	115	85.2	88	0	0.0	47	20	42.6
Cass	147	139	94.6	111	0	0.0	36	8	22.2
Chippewa	51	49	96.1	37	0	0.0	14	2	14.3
Chisago	105	92	87.6	62	0	0.0	43	13	30.2
Clay	292	272	93.2	192	0	0.0	100	20	20.0
Clearwater	15	15	100.0	9	0	0.0	6	0	0.0
Cook	0	0	---	0	---	---	0	---	---
Cottonwood	34	17	50.0	12	0	0.0	22	17	77.3
Crow Wing	222	189	85.1	141	0	0.0	81	33	40.7

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Dakota	1,057	933	88.3	758	3	0.4	299	121	40.5
Dodge	35	26	74.3	22	0	0.0	13	9	69.2
Douglas	100	90	90.0	81	0	0.0	19	10	52.6
Faribault	35	31	88.6	26	0	0.0	9	4	44.4
Fillmore	24	20	83.3	17	0	0.0	7	4	57.1
Freeborn	98	92	93.9	75	0	0.0	23	6	26.1
Goodhue	198	149	75.3	126	0	0.0	72	49	68.1
Grant	15	13	86.7	12	0	0.0	3	2	66.7
Hennepin	2,541	2,038	80.2	1,494	6	0.4	1,047	497	47.5
Houston	9	8	88.9	8	0	0.0	1	1	100.0
Hubbard	62	61	98.4	49	0	0.0	13	1	7.7
Isanti	128	111	86.7	94	0	0.0	34	17	50.0
Itasca	209	161	77.0	131	0	0.0	78	48	61.5
Jackson	30	29	96.7	26	0	0.0	4	1	25.0
Kanabec	60	49	81.7	36	0	0.0	24	11	45.8
Kandiyohi	156	142	91.0	119	0	0.0	37	14	37.8
Kittson	5	3	60.0	3	0	0.0	2	2	100.0
Koochiching	41	36	87.8	29	0	0.0	12	5	41.7
Lac Qui Parle	16	14	87.5	14	0	0.0	2	2	100.0
Lake	18	15	83.3	14	0	0.0	4	3	75.0
Lake of the Woods	8	4	50.0	2	0	0.0	6	4	66.7
Le Sueur	40	30	75.0	27	0	0.0	13	10	76.9
Lincoln	3	3	100.0	2	0	0.0	1	0	0.0
Lyon	77	62	80.5	44	0	0.0	33	15	45.5
McLeod	109	92	84.4	80	1	1.3	29	16	55.2
Mahnomen	76	68	89.5	53	0	0.0	23	8	34.8
Marshall	7	6	85.7	5	0	0.0	2	1	50.0
Martin	96	84	87.5	75	0	0.0	21	12	57.1
Meeker	57	52	91.2	35	0	0.0	22	5	22.7
Mille Lacs	118	97	82.2	73	1	1.4	45	20	44.4
Morrison	104	91	87.5	70	0	0.0	34	13	38.2
Mower	135	117	86.7	79	0	0.0	56	18	32.1
Murray	18	14	77.8	11	0	0.0	7	4	57.1
Nicollet	74	63	85.1	45	0	0.0	29	11	37.9
Nobles	114	104	91.2	81	0	0.0	33	10	30.3
Norman	16	15	93.8	9	0	0.0	7	1	14.3
Olmsted	248	196	79.0	136	0	0.0	112	52	46.4

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Otter Tail	245	206	84.1	174	0	0.0	71	39	54.9
Pennington	74	62	83.8	41	0	0.0	33	12	36.4
Pine	175	136	77.7	113	0	0.0	62	39	62.9
Pipestone	36	33	91.7	33	0	0.0	3	3	100.0
Polk	282	260	92.2	173	0	0.0	109	22	20.2
Pope	16	15	93.8	12	0	0.0	4	1	25.0
Ramsey	1,352	968	71.6	698	2	0.3	654	382	58.4
Red Lake	6	4	66.7	4	0	0.0	2	2	100.0
Redwood	94	90	95.7	68	0	0.0	26	4	15.4
Renville	44	37	84.1	30	0	0.0	14	7	50.0
Rice	117	103	88.0	85	0	0.0	32	14	43.8
Rock	11	11	100.0	10	0	0.0	1	0	0.0
Roseau	27	22	81.5	22	0	0.0	5	5	100.0
St. Louis	585	474	81.0	373	1	0.3	212	110	51.9
Scott	486	451	92.8	350	0	0.0	136	35	25.7
Sherburne	255	235	92.2	193	0	0.0	62	20	32.3
Sibley	36	32	88.9	28	0	0.0	8	4	50.0
Stearns	403	324	80.4	212	1	0.5	191	78	40.8
Steele	97	79	81.4	56	0	0.0	41	18	43.9
Stevens	16	15	93.8	12	0	0.0	4	1	25.0
Swift	42	40	95.2	35	0	0.0	7	2	28.6
Todd	37	37	100.0	28	0	0.0	9	0	0.0
Traverse	19	18	94.7	13	0	0.0	6	1	16.7
Wabasha	40	32	80.0	26	0	0.0	14	8	57.1
Wadena	53	43	81.1	29	0	0.0	24	10	41.7
Waseca	56	43	76.8	39	0	0.0	17	13	76.5
Washington	419	326	77.8	245	1	0.4	174	92	52.9
Watsonwan	29	22	75.9	18	1	5.6	11	6	54.5
Wilkin	39	33	84.6	28	0	0.0	11	6	54.5
Winona	96	76	79.2	60	0	0.0	36	20	55.6
Wright	321	271	84.4	224	0	0.0	97	50	51.5
Yellow Medicine	46	45	97.8	35	0	0.0	11	1	9.1
Total	14,429	12,024	83.3	9,219	21	0.2	5,210	2,384	45.8

Table 25. Durational Departures by County for Cases Receiving an Executed Prison Sentence, 2021

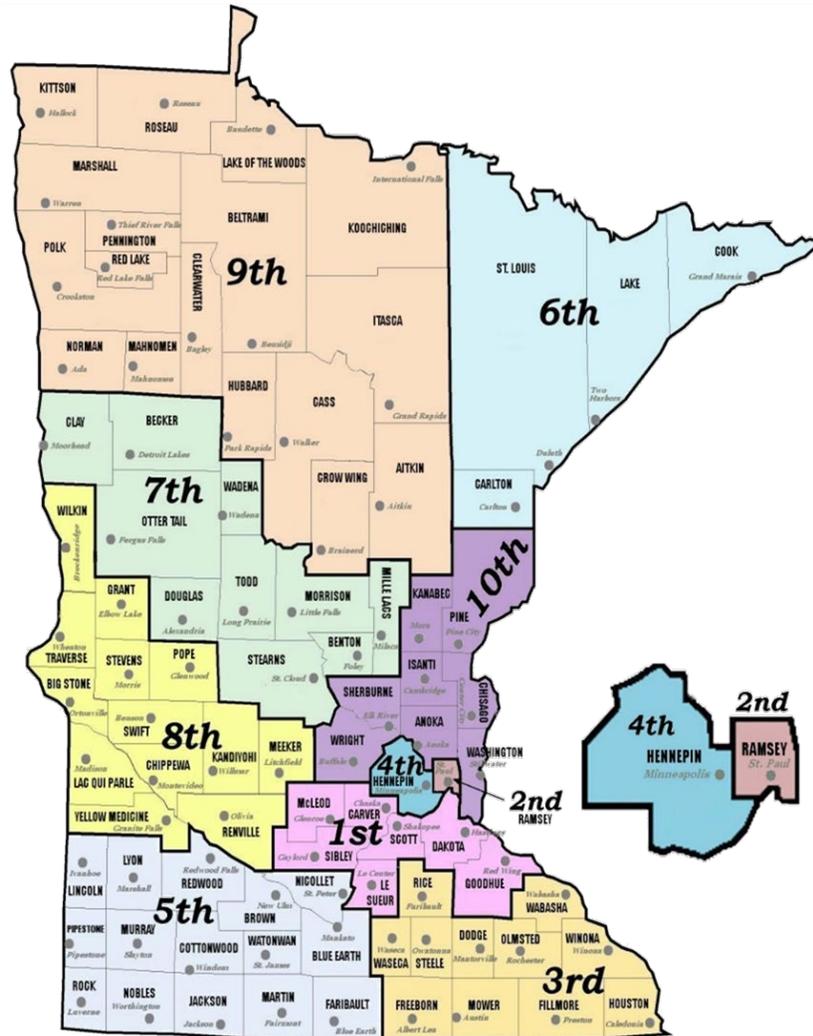
County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	19	16	84.2	1	5.3	2	10.5
Anoka	122	99	81.1	5	4.1	18	14.8
Becker	59	58	98.3	0	0.0	1	1.7
Beltrami	46	44	95.7	0	0.0	2	4.3
Benton	31	28	90.3	2	6.5	1	3.2
Big Stone	3	3	100.0	0	0.0	0	0.0
Blue Earth	60	56	93.3	1	1.7	3	5.0
Brown	14	13	92.9	1	7.1	0	0.0
Carlton	17	12	70.6	0	0.0	5	29.4
Carver	30	26	86.7	1	3.3	3	10.0
Cass	31	26	83.9	2	6.5	3	9.7
Chippewa	12	12	100.0	0	0.0	0	0.0
Chisago	33	29	87.9	1	3.0	3	9.1
Clay	85	79	92.9	2	2.4	4	4.7
Clearwater	6	6	100.0	0	0.0	0	0.0
Cook	0	---	---	---	---	---	---
Cottonwood	5	4	80.0	1	20.0	0	0.0
Crow Wing	56	46	82.1	3	5.4	7	12.5
Dakota	197	151	76.6	9	4.6	37	18.8
Dodge	5	4	80.0	0	0.0	1	20.0
Douglas	11	10	90.9	0	0.0	1	9.1
Faribault	5	4	80.0	1	20.0	0	0.0
Fillmore	4	3	75.0	0	0.0	1	25.0
Freeborn	21	21	100.0	0	0.0	0	0.0
Goodhue	26	19	73.1	1	3.8	6	23.1
Grant	2	2	100.0	0	0.0	0	0.0
Hennepin	567	330	58.2	25	4.4	212	37.4
Houston	1	1	100.0	0	0.0	0	0.0
Hubbard	14	13	92.9	0	0.0	1	7.1
Isanti	21	17	81.0	2	9.5	2	9.5
Itasca	35	34	97.1	0	0.0	1	2.9
Jackson	4	2	50.0	0	0.0	2	50.0
Kanabec	14	13	92.9	0	0.0	1	7.1
Kandiyohi	27	26	96.3	1	3.7	0	0.0
Kittson	0	0	0.0	0	0.0	0	0.0
Koochiching	9	9	100.0	0	0.0	0	0.0
Lac Qui Parle	0	---	---	---	---	---	---

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Lake	1	1	100.0	0	0.0	0	0.0
Lake of the Woods	2	2	100.0	0	0.0	0	0.0
Le Sueur	4	2	50.0	2	50.0	0	0.0
Lincoln	1	0	0.0	0	0.0	1	100.0
Lyon	18	15	83.3	3	16.7	0	0.0
McLeod	15	12	80.0	0	0.0	3	20.0
Mahnomen	15	15	100.0	0	0.0	0	0.0
Marshall	1	1	100.0	0	0.0	0	0.0
Martin	14	9	64.3	0	0.0	5	35.7
Meeker	19	19	100.0	0	0.0	0	0.0
Mille Lacs	31	19	61.3	0	0.0	12	38.7
Morrison	26	23	88.5	1	3.8	2	7.7
Mower	43	42	97.7	0	0.0	1	2.3
Murray	4	4	100.0	0	0.0	0	0.0
Nicollet	19	18	94.7	0	0.0	1	5.3
Nobles	26	25	96.2	1	3.8	0	0.0
Norman	6	6	100.0	0	0.0	0	0.0
Olmsted	63	56	88.9	3	4.8	4	6.3
Otter Tail	38	38	100.0	0	0.0	0	0.0
Pennington	22	14	63.6	0	0.0	8	36.4
Pine	25	24	96.0	1	4.0	0	0.0
Pipestone	0	---	---	---	---	---	---
Polk	116	103	88.8	1	0.9	12	10.3
Pope	5	4	80.0	0	0.0	1	20.0
Ramsey	288	149	51.7	3	1.0	136	47.2
Red Lake	1	1	100.0	0	0.0	0	0.0
Redwood	27	26	96.3	0	0.0	1	3.7
Renville	8	7	87.5	0	0.0	1	12.5
Rice	21	19	90.5	1	4.8	1	4.8
Rock	2	1	50.0	0	0.0	1	50.0
Roseau	2	2	100.0	0	0.0	0	0.0
St. Louis	111	102	91.9	1	0.9	8	7.2
Scott	110	88	80.0	5	4.5	17	15.5
Sherburne	47	42	89.4	2	4.3	3	6.4
Sibley	4	2	50.0	1	25.0	1	25.0
Stearns	123	82	66.7	6	4.9	35	28.5
Steele	26	25	96.2	0	0.0	1	3.8
Stevens	4	4	100.0	0	0.0	0	0.0

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Swift	6	6	100.0	0	0.0	0	0.0
Todd	9	9	100.0	0	0.0	0	0.0
Traverse	5	4	80.0	1	20.0	0	0.0
Wabasha	8	5	62.5	1	12.5	2	25.0
Wadena	16	12	75.0	0	0.0	4	25.0
Waseca	5	5	100.0	0	0.0	0	0.0
Washington	83	72	86.7	2	2.4	9	10.8
Watonwan	8	5	62.5	0	0.0	3	37.5
Wilkin	6	5	83.3	1	16.7	0	0.0
Winona	18	11	61.1	2	11.1	5	27.8
Wright	48	42	87.5	0	0.0	6	12.5
Yellow Medicine	12	9	75.0	0	0.0	3	25.0
Total	3,104	2,403	77.4	97	3.1	604	19.5

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	Stearns	Itasca	Washington
		Steele		Martin		Todd	Renville	Kittson	Wright
		Wabasha		Murray		Wadena	Swift	Koochiching	
		Waseca		Nicollet			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, 2021

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE						
	0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree (Intentional; 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, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</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>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</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 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 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, 3}
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied 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.

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

Appendix 3. Sex Offender Grid – Effective August 1, 2021

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>Criminal Sexual Conduct (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–1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(h)(i) (e.g., contact & force with bodily harm)</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–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., penetration & coercion/occupation)</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>131-183</i>	180 <i>153-216</i>
<i>CSC 2nd Degree–1a(e)(f)(g) (age) CSC 3rd Degree–1a(a)(e)(f) or 1a(b) with 2(1) (age)</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–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., contact & coercion/occupation)</i>	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–1a(a)(b)(e)(f) (age) CSC 5th Degree–3(b) (subsequent)</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–1a(b) with 2(2) Possession of Child Pornography Solicit Child for Sexual Conduct</i>	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> ²
<i>CSC 5th Degree–3(a) (nonconsensual penetration)</i>	H	12 ¹	14	16	18	24	24 ² <i>24-24</i>	24 ² <i>24-24</i>
<i>Failure to Register as a Predatory Offender</i>	I	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 Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 1st Degree 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, 2021

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	D9	86	98	110	122	134	146	158
		<i>74*-103</i>	<i>84*-117</i>	<i>94*-132</i>	<i>104*-146</i>	<i>114*-160</i>	<i>125*-175</i>	<i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	D8	65	75	85	95	105	115	125
		<i>56*-78</i>	<i>64*-90</i>	<i>73*-102</i>	<i>81*-114</i>	<i>90*-126</i>	<i>98*-138</i>	<i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	D7	48	58	68	78	88	98	108
				<i>58-81</i>	<i>67-93</i>	<i>75-105</i>	<i>84-117</i>	<i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	D6	21	27	33	39	45	51	57
					<i>34-46</i>	<i>39-54</i>	<i>44-61</i>	<i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	D5	18	23	28	33	38	43	48
					<i>29-39</i>	<i>33-45</i>	<i>37-51</i>	<i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	D4	12 ¹	15	18	21	24	27	30
						<i>21-28</i>	<i>23-32</i>	<i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	D3	12 ¹	13	15	17	19	21	23
						<i>17-22</i>	<i>18-25</i>	<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.2.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.