
2022 Sentencing Practices Report

Summary Statistics for Felony Cases

Published August 14, 2024



MINNESOTA

SENTENCING GUIDELINES COMMISSION

658 Cedar Street, Suite G-58

Saint Paul, Minnesota 55155

Website: <http://mn.gov/sentencing-guidelines>

Email: sentencing.guidelines@state.mn.us

Voice: (651) 296-0144 • Minnesota Relay: 711

COMMISSION MEMBERS

Kelly Lyn Mitchell, Chair and Designee of the Commissioner of Corrections

Michelle A. Larkin, Vice-Chair and Minnesota Court of Appeals Judge

Christopher E. Crutchfield, CEO, Ujamaa Place

Richard Frase, Professor Emeritus, University of Minnesota Law School

Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project

David Knutson, First Judicial District Court Judge

Kyra Ladd, Wadena County Attorney

Cathryn Middlebrook, Chief Appellate Public Defender

Gordon L. Moore, III, Minnesota Supreme Court Justice

Tim Morin, Public Member

Chief Brian Mueller, Stillwater Police Department

Latonya Reeves, Hennepin County Career Probation Officer

Surya Saxena, Public Member

COMMISSION STAFF

Nathaniel J. Reitz, Executive Director

Leah Bower, Senior Research Analyst Supervisor

Andrew Gonzalez, Research Analyst Intermediate

Matthew Hlina, Research Analyst Intermediate

Kathleen Madland, Research Analysis Specialist

Linda McBrayer, Management Analyst 4

Jill Payne, Senior Research Analysis Specialist

Devonte Roache, Research Analyst

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.

Table of Contents

Executive Summary.....	5
Background	6
Changes to the Sentencing Grid Over Time.....	8
Data for Felony Cases Sentenced	9
Felony Case Volume and Offense Type	9
Distribution of Cases by Race/Ethnicity, Sex, and Judicial District	14
Felony Incarceration Rates	17
Average Pronounced Felony Sentences (Durations)	22
Departures from the Sentencing Guidelines.....	24
Total Departures	25
Dispositional Departures	26
Durational Departures	33
Mitigated Departures: Sex, Race/Ethnicity, & Judicial Districts	37
Data Tables.....	39
Case Volume and Distribution Tables	39
Incarceration Tables.....	58
Departures Tables.....	76
Appendixes.....	88
Appendix 1. How the Sentencing Guidelines Work.....	88
Appendix 2. MSGC Monitoring Data.....	90
Appendix 3. Standard Sentencing Guidelines Grid – Effective August 1, 2022	91
Appendix 4. Sex Offender Grid – Effective August 1, 2022	92
Appendix 5. Drug Offender Grid – Effective August 1, 2022	93
Glossary of Terms	94
Minnesota Judicial District Map	98

Table of Figures and Tables

Figure 1. Number of Cases Sentenced for Felony Convictions, 1981–2022.....	9
Figure 2. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2022	10
Figure 3. Percent of Cases Sentenced for Felony Convictions by Grid, 2022.....	10
Figure 4. Cases Sentenced for Felony Convictions by Offense Type, 2022.....	11
Figure 5. Number of Cases Sentenced for Felony Convictions by Offense Type, 2013–2022	12
Figure 6. Distribution of Cases by Race/Ethnicity, 1981–2022	14
Table 1. Cases Sentenced, 2022, by Sex, Race/Ethnicity, and Judicial District, Compared to 2022 Estimated Adult Population	15
Figure 7. Distribution of Cases and Population by Race and Judicial District, 2022	16
Figure 8. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2022	17
Figure 9. Prison & Conditional Confinement Rates, 1982–2022.....	18
Figure 10. Actual & Presumptive Prison Rates, 1982–2022.....	18
Table 2. Incarceration Rates by Sex, Race/Ethnicity, and Judicial District, 2022	20
Figure 11. Actual & Presumptive Prison Rates by Sex & Race/Ethnicity, 2022.....	21
Figure 12. Actual & Presumptive Prison Rates by Judicial District, 2022	21
Figure 13. Average Pronounced Prison Sentences and Local Confinement, 1981–2022	22
Figure 14. Life Sentence Cases, 2013–2022	23
Figure 15. Total Departure Rates, All Cases, 2022	25
Figure 16. Total Departure Rates, All Cases, 1981–2022	26
Figure 17. Dispositional Departure Rates, All Cases, 1981–2022.....	26
Figure 18. Flow of Felony Dispositions, 2022	27
Figure 19. Mitigated Dispositional Departure Rates, Presumptive Commit Cases Only, 1981–2022.....	28
Table 3. Dispositional Departures by Presumptive Disposition, by Sex, Race/Ethnicity, & Judicial District, 2022.	29
Figure 20. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitments Only, 2022 ...	30
Figure 21. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, by Offense Type, 2022 ...	30
Figure 22. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2022	31
Figure 23. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, Selected Offenses, 2022.	32
Figure 24. Reasons Cited by the Court for Mitigated Dispositional Departures, 2022	32

Figure 25. Durational Departure Rates for Cases Receiving Executed Prison Sentences, 1982–2022	33
Table 4. Durational Departures, Executed Prison Sentences, by Sex, Race/Ethnicity, & Judicial Dist., 2022	35
Figure 26. Durational Departure Rates, Cases Receiving Executed Prison Sentences, Selected Offenses, 2022 ...	36
Figure 27. Court-Cited Position of Prosecutor, Mitigated Durational Departures, Executed Prison Sentences, Selected Offenses, 2022	37
Figure 28. Mitigated Departure Rates by Sex & Race/Ethnicity, 2022.....	38
Figure 29. Mitigated Departure Rates by Minnesota Judicial District, 2022.....	38
Table 5. Annual Percent Change in Number of Cases Sentenced for Felony Convictions, 1981–2022	39
Table 6. Cases Sentenced, Percent Change from Previous Year, by Offense Type, 2000–2022	40
Table 7. Volume of Cases by Offense Type, 1981–2022	41
Table 8. Volume of Cases by Gender, 1981–2022.....	43
Table 9. Volume of Cases by Race/Ethnicity, 1981–2022	45
Table 10. Offense Type by Race, 2022	47
Table 11. Volume of Cases by Judicial District, 1981–2022	50
Table 12. Sentencing Decisions by Offense Type, 2022	51
Table 13. Volume of Cases by Severity-Level Group & Criminal-History Group, 1978, 1981–2022	52
Table 14. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Standard Grid, 2022.....	55
Table 15. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Sex Offender Grid, 2022.....	56
Table 16. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Drug Offender Grid, 2022	57
Table 17. Incarceration Rates by Sex, Race/Ethnicity, & Judicial District, 2022.....	58
Table 18. Volume of Cases Sentenced & Incarceration Rates by County, 2022	59
Table 19. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender, 1978, 1981–2022	62
Table 20. Incarceration in Local Correctional Facilities by Race/Ethnicity, 1978, 1981–2022	64
Table 21. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981–2022	66
Table 22. Presumptive and Actual Imprisonment Rates by Gender, 1978, 1981–2022	68
Table 23. Presumptive and Actual Imprisonment Rate by Race/Ethnicity, 1978, 1981–2022	70
Table 24. Presumptive and Actual Imprisonment Rates by Minnesota Judicial District, 1978, 1981–2022.....	72
Table 25. Average Pronounced Prison Duration, Executed Sentences Only, 1981–2022.....	74

Table 26. Average Local Confinement, 1981–2022.....	75
Table 27. Dispositional Departures by Gender, Race, & Judicial District, 2022	76
Table 28. Dispositional Departures by Presumptive Disposition, by Sex, Race, & Judicial District, 2022.....	77
Table 29. Dispositional Departure Rates by County, 2022.....	78
Table 30. Durational Departures, 1981–2022	80
Table 31. Durational Departures by Gender, Race, & Judicial District, 2022.....	82
Table 32. Durational Departures, Executed Prison Sentences, by Sex, Race/Ethnicity, & Judicial District, 2022...	83
Table 33. Durational Departures by County for Cases Receiving an Executed Prison Sentence, 2022	84
Table 34. Felony Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981–2022	86

Executive Summary

Each year, the research staff of the Minnesota Sentencing Guidelines Commission (MSGC) completes an annual sentencing practices report highlighting information on felony cases sentenced in Minnesota. This report describes and summarizes patterns and trends in sentencing since the introduction of the Guidelines in 1980, with an emphasis on 2022 data.

Data Highlights

- The number of felony cases has grown from 5,500 cases in 1981 to 16,259 cases in 2022. While Minnesota's population also rose, this does not account for the entire increase in felony sentences.
- Most felony cases in Minnesota's district courts are settled without trials. In 2022, 97 percent of felony convictions were obtained without a trial.
- In 2022, the Guidelines recommended prison in a record-high 38.4 percent of cases compared to the actual prison rate of 25.6 percent. The difference between these two rates has grown over time.
- The departure rate—the rate at which the Guidelines' recommendations were not followed—has increased over time. In the 1980s, the rates were below 20 percent, increasing to 29 percent in 2022.
- In 2022, some offenses received downward dispositional departures (probation when the Guidelines recommend prison) at higher rates than typical. These offenses include second-degree assault, failure to register as a predatory offender, and felony DWI.
- The racial and ethnic composition of people in Minnesota has changed since 1981, when 82 percent of people sentenced were White. In 2022, 56 percent of people sentenced were White. Although the 2022 Black or African American population made up 7.1 percent of Minnesota's adult population, it made up 26.5 percent of people sentenced; and while the American Indian population was 1.5 percent of the state's adult population, it made up 9.3 percent of people sentenced.
- In 2022, the downward dispositional departure rate was highest for the White population (43%) and lowest for the American Indian population (29%). Among executed prison sentences, the downward durational departure rate (less prison time than the Guidelines recommended) was highest for the Black or African American population (27.5%) and lowest for the American Indian population (13.3%).
- Downward dispositional departures varied across the state in 2022—from a low of 29 percent in the 8th Judicial District (includes Willmar) to a high of 45.5 percent in the 2nd Judicial District (includes St. Paul). Among executed prison sentences, the downward durational departure rate ranged from a low of 4.7 percent in the 8th Judicial District to a high of 38.7 percent in the 2nd Judicial District.

Background

Minnesota adopted a sentencing guidelines system effective May 1, 1980, 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 goals of the Minnesota Sentencing Guidelines are:

- To better assure **public safety**.
- To ensure sentencing is **neutral** with respect to the race, gender, social, or economic status of convicted felons.
- 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.

The Minnesota Sentencing Guidelines apply to all felony sentences except life sentences. The recommended sentence under the Guidelines is based, first, on the severity of the offense and, second, on criminal history. These are depicted on a grid structure. (See appendices 3, 4, & 5, on pp. 91–93, for Minnesota's sentencing grids.) The vertical axis represents the severity of the offense, with less severe offenses on the bottom and more severe offenses on the top. The horizontal axis represents the defendant's criminal history and includes points for: weighted prior felony sentences; some prior misdemeanor and gross misdemeanor sentences; limited prior serious juvenile offenses; and "custody status"—if the current offense was committed while confined or under community supervision.

The recommended Guidelines sentence is called the "presumptive sentence" and is generally found in the cell of the grid where the criminal history score and severity level intersect. The numbers in the cells are called the "presumptive duration" and give a recommendation for the prison sentence length in months. Whether the Guidelines recommend prison is called the "presumptive disposition." Most cells in the lower half of the grid are shaded, indicating that the Guidelines recommend a non-prison ("stayed") sentence, while most cells in the upper half of the grid are not shaded, indicating that the Guidelines recommend a prison sentence (commitment to the Commissioner of Corrections). In most cases, the Guidelines are followed and the recommended sentence is applied; however, in some cases there is a departure.

One of the Commission’s primary duties is to serve as a clearinghouse and information center for sentencing-practices data. The Commission created a monitoring system to capture such information. This monitoring system includes data on everyone convicted of a felony in adult court and sentenced under the Guidelines, as provided by probation officers and the courts. MSGC staff processes, cleans, and analyzes the data.

The following pages display summary data about sentencing practices and case volume and distribution. A “case” includes data from a sentencing worksheet that is matched with sentencing data received from the 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 monitoring data.

As you read this report, keep in mind that these are descriptive statistics that describe and summarize patterns in the data. There is no discussion about the cause. Also, be aware of the effect of differences in offense severity and criminal history when evaluating and comparing sentencing practices. This is particularly important when comparing cases by factors such as gender, race and ethnicity, and judicial district. For example, if in a particular district the proportion of serious person offenses is higher, the imprisonment rate for that district will likely be higher than for districts with predominantly lower-severity offenses.

Changes to the Sentencing Grid Over Time

The Guidelines have been modified to increase or decrease penalties, incorporate new or reranked felony offenses, and other policy changes. The following changes should be noted when evaluating sentencing information over time:

1978	Minnesota creates the nation's first sentencing guidelines commission.
1980	Minnesota becomes the first state to implement a sentencing guidelines structure.
1986	Stays of imposition are incorporated into the criminal history score calculation as a felony, even after the stay of imposition has been successfully served.
1989	Presumptive durations at severity levels 7–10 are increased significantly—doubled, in some cases—and a weighting scheme is implemented for prior felonies. Previously, prior felonies, regardless of severity, had been given one point in the criminal history score.
1997	A package of changes, which increase sentences in some cells and decrease sentences in other cells at severity levels 2–6, goes into effect.
2002	Felony Driving While Impaired (DWI) takes effect. A new Severity Level 7 is created, with higher severity levels renumbered accordingly.
2005	In response to a judicial requirement that a jury find aggravating factors, grid ranges are 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.
2006	A separate Sex Offender Grid is introduced with severity levels H–A. More severe policies are adopted for repeat sex offenders including an enhanced weighting scheme for prior sex offenses and the possibility of a second custody status point.
2016	A separate Drug Offender Grid is introduced with severity levels D1–D9.
2019	Changes to the criminal history score, intended to improve fairness and rationality, are made. The custody status point becomes waivable in certain circumstances. A sentencing enhancement for repeat severe violent offenders is added.
2020	A five-year presumptive probation cap, subject to departure, is established for most felonies.
2021	Severity Level H is renamed Severity Level I to accommodate a new Severity Level H on the Sex Offender Grid.

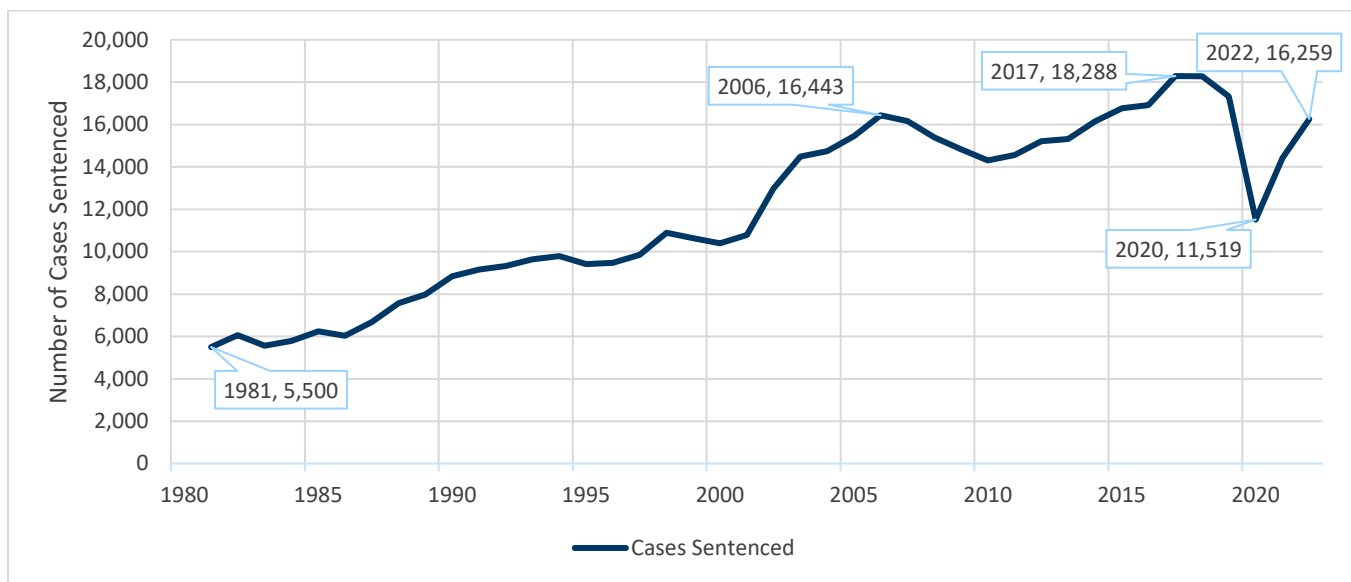
Data for Felony Cases Sentenced

Felony Case Volume and Offense Type

Since the implementation of the Guidelines in 1980, the number of felony cases sentenced has grown from 5,500 cases annually to more than 16,000. In 2022, 16,259 people were sentenced for felony offenses in Minnesota. While this number reflects a 15 percent increase over the 2021 case volume, it also reflects the third year of volatility following the COVID-19 pandemic.¹ See Table 5 (p. 39) for detailed data regarding annual changes in case volume.

The total volume of cases sentenced over time is illustrated in Figure 1. There was significant growth in cases between 2001 and 2006, when the total volume of cases sentenced rose by 52 percent. This 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. See Table 6 (p. 40) for detailed data regarding annual changes in case volume by offense type since 2000.

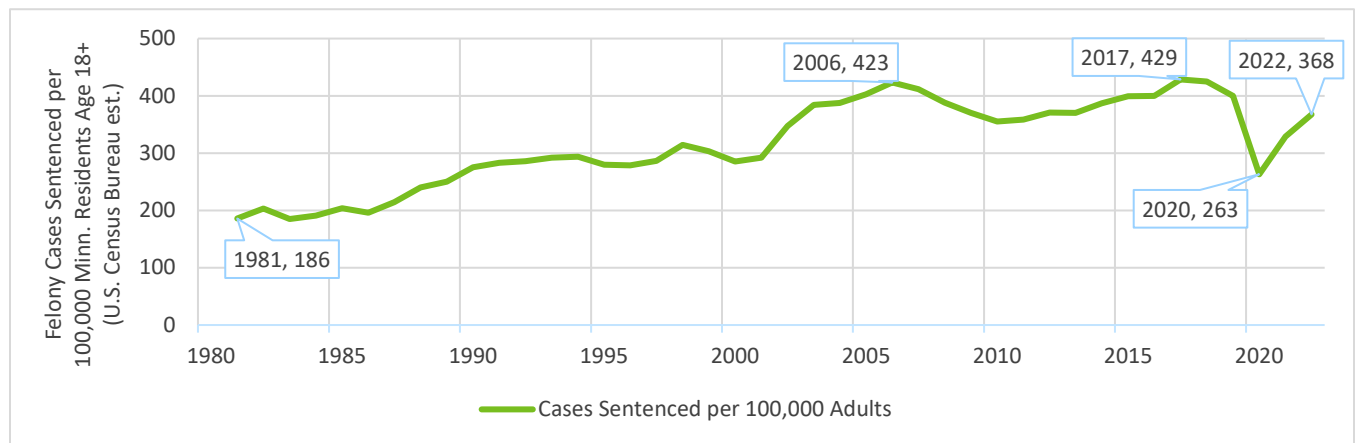
Figure 1. Number of Cases Sentenced for Felony Convictions, 1981–2022



¹ 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 the 2021 and 2022 case volumes did not return to pre-pandemic levels, they represented a significant rebound from the reduction seen in 2020.

While Minnesota’s population also rose during the decades shown in Figure 1, that rise does not account for the entire increase in felony sentences seen. As Figure 2 illustrates, the number of Minnesota’s felony cases sentenced has grown relative to its population, from 186 felony cases sentenced per 100,000 adult Minnesotans in 1981, to 368 felony cases per 100,000 in 2022.

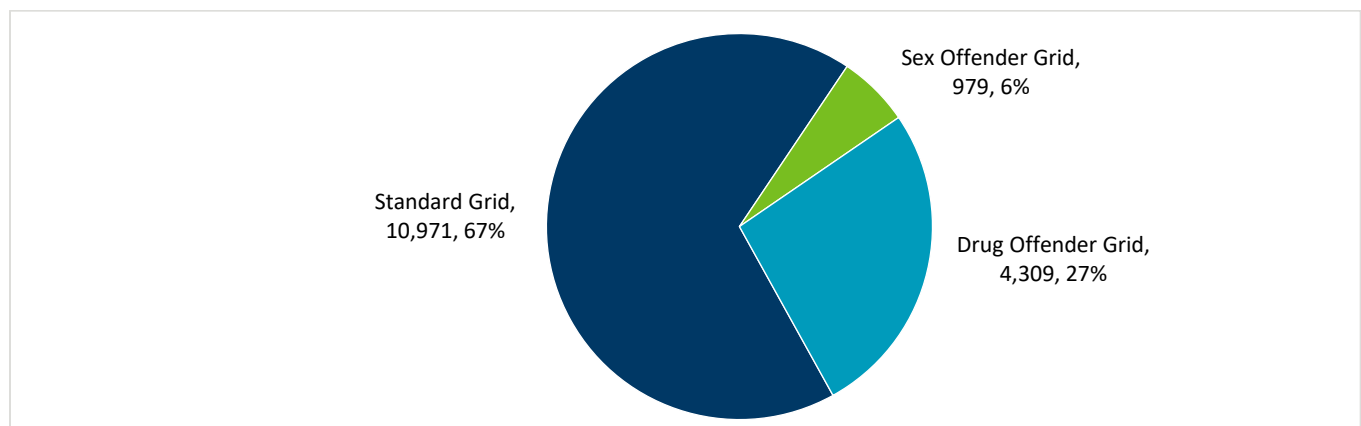
Figure 2. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2022



Volume of Felony Cases by Grid

The Sentencing Guidelines use three grids for sentencing: one for standard offenses, one for sex offenses, and one for drug offenses. The volume of cases differs between them. The grid for sex offenses went into effect August 1, 2006, and the grid for drug offenses went into effect August 1, 2016. The number of cases on the sex offender grid has remained consistent. As we see in Figure 3, the introduction of the drug offender grid has moved cases off the standard grid. In 2022, 67 percent of cases sentenced were on the standard grid, 27 percent were on the drug offender grid and 6 percent were from the sex offender grid.

Figure 3. Percent of Cases Sentenced for Felony Convictions by Grid, 2022



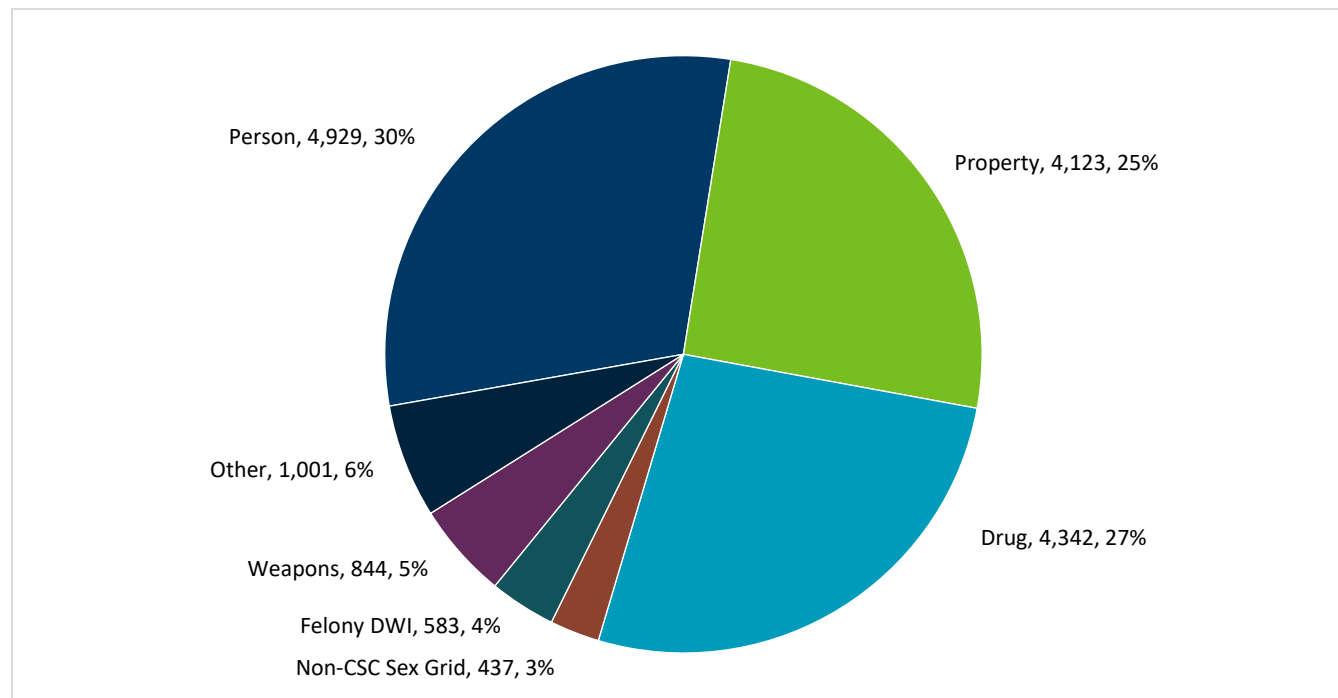
Volume of Felony Cases by Offense Type

Felony cases involve a broad range of crimes that can be grouped into seven offense types illustrated in the list below. The first three offense types (in bold) generally total at least 85 percent of each year's case volume:

- **Person offenses** (including criminal sexual conduct (CSC));
- **Property offenses;**
- **Drug offenses;**
- Felony driving while impaired (DWI);
- Non-CSC sex offenses;²
- Weapon offenses;³ and
- Other offenses.⁴

Figure 4 illustrates the volume of cases sentenced in 2022 by offense type. With 30 percent of the total case volume, the person-offense category was the largest, followed by drug offenses (27 percent) and property cases (25 percent).

Figure 4. Cases Sentenced for Felony Convictions by Offense Type, 2022

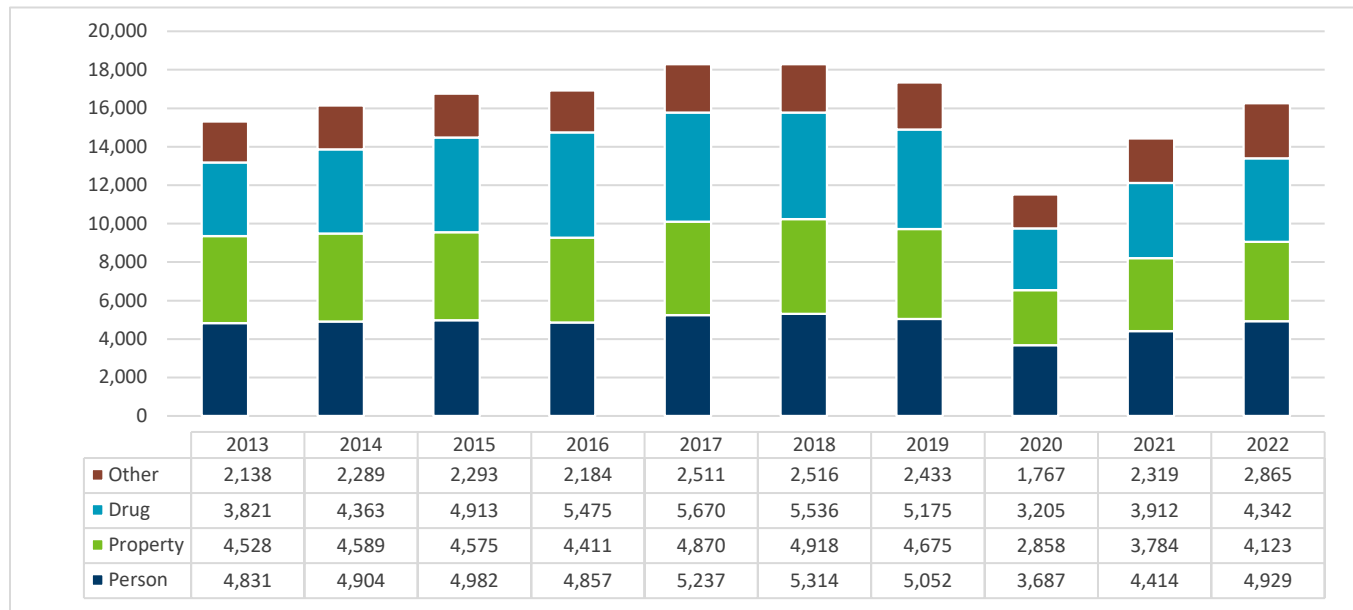


² "Non-CSC sex offenses" are offenses on the sex offense grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

³ "Weapon" category includes: Possession of a firearm by a felon convicted of a crime of violence, discharge of firearm, and other weapon-related offenses.

⁴ "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency. "Other" category also includes DWI before 2004 and non-CSC sex offenses and weapon offenses before 2010.

Figure 5. Number of Cases Sentenced for Felony Convictions by Offense Type, 2013–2022



Person Offenses

The volume of person offenses peaked in 2018 at 5,314 cases. In 2022, there were 4,929 person offense cases which made up the largest percent of all cases at 30 percent. There is a broad range of person offenses, from murder to criminal vehicular injury and prostitution. The largest subcategories of person offenses are criminal sexual conduct, domestic assault-related offenses, and assaults in the first through fifth degree.

The following discussion details these three subcategories of person offenses.

- *Criminal Sexual Conduct (CSC)*

In 2022, there were 493 CSC cases, which represented 10 percent of person offenses. The number of CSC cases has fluctuated over time. In most years since 2013, the number of CSC cases has ranged from the mid-400s to the upper-500s.

- *Domestic Assault & 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 such as domestic abuse no contact orders (DANCO), violations of harassment restraining orders (HRO), and orders for protection (OFP). In 2022, 33 percent of person offenses fell into this category. This was, in part, due to 2006 legislative changes removing the requirement that a prior offense must be against the same victim, expanding the look-back period to 10 years, and expanding the list of qualified priors.⁵

⁵ [2006 Minn. Laws ch. 260, art. 1, §§ 12 & 19.](#)

- *Assaults in the 1st – 5th Degree*

First- through (felony) fifth-degree assault cases made up 20 percent of person offenses in 2022. Assault offenses vary greatly within this subcategory. Assault in the first degree requires great bodily harm; second degree requires a dangerous weapons; third degree requires substantial bodily harm; felony fourth degree is chiefly defined by the occupation of the victim (first responders, correctional officers, and justice-system employees); and, to be a felony, fifth-degree assault requires two prior convictions for assault or an assault-related offense within a specified time period.

Drug Offenses

In 2022, drug offenses made up the second largest percent of felony cases at 27 percent. Drug offenses were the largest offense category from 2016 through 2019.

Property Offenses

Property offenses made up 25 percent of the cases in 2022. The property offense category has declined in most years since 2006, when it made up 36 percent of all cases.

Felony DWI

The number of felony DWI cases peaked in 2004, at 860, and has declined most years since. In 2022, there were 583 felony-DWI cases. In the five years between 2013 and 2017, the numbers fluctuated sharply, possibly in connection with the timing of legal challenges to DWI laws and evidence-collection practices.⁶

Non-CSC Sex Offenses

Non-CSC sex offenses are on the sex offender grid but they are not criminal sexual conduct offenses. They are mostly failure to register as a predatory offender and possession and dissemination of child pornography. There were 437 cases in 2022.

Weapon Offenses

There were 844 weapon offenses in 2022. Ineligible felon in possession of a firearm or ammunition accounted for 80 percent of all weapon offenses.

Other Offenses

Most of these cases were fleeing a peace officer (which increased to 630 cases in 2022), escape, tax offenses, aiding an offender – accomplice after the fact, and aiding an offender to avoid arrest.

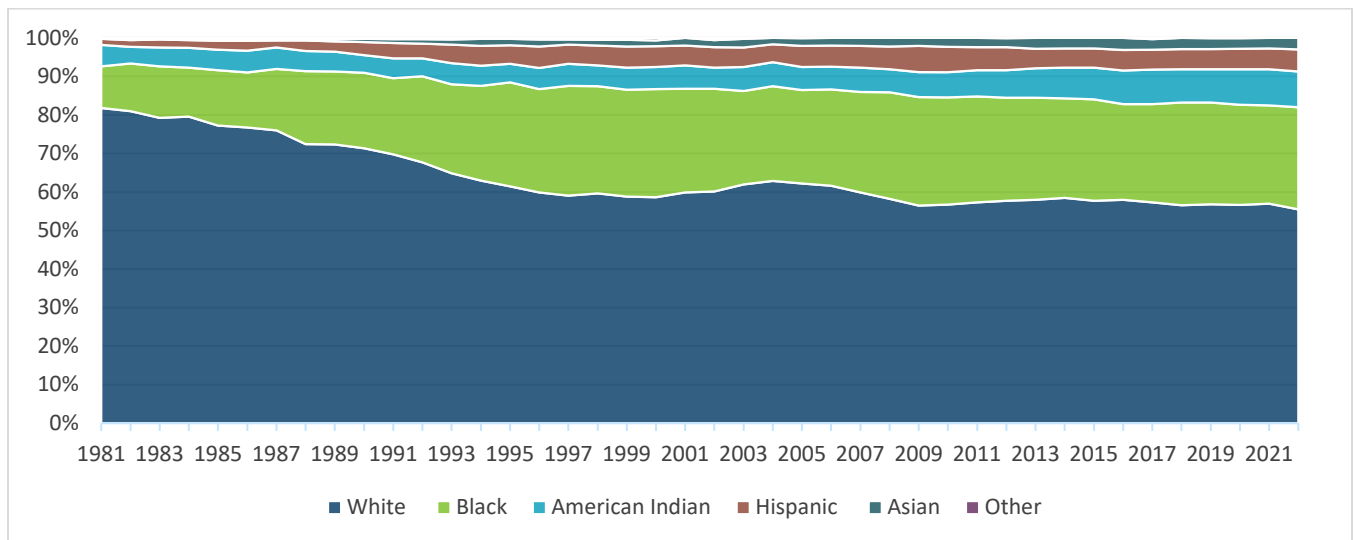
⁶ In 2015, Minnesota’s Supreme Court said that it was constitutional to obtain a breath test without a warrant (*State v. Bernard*, 859 N.W.2d 762 (Minn. 2015)). In 2016, the Court said law enforcement could only obtain samples of a person’s blood or urine with a warrant (*State v. Thompson*, 886 N.W.2d 224 (Minn. 2016)).

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

As referenced earlier in this report, one of the goals of the Guidelines is to ensure sentencing is neutral with respect to race, gender, social, or economic status. While specific data about social and economic status is not currently maintained in the MSGC monitoring system, there is information about race/ethnicity, sex, and judicial district (which is used as a proxy for geography). This demographic data is presented throughout the report.

The racial/ethnic composition of individuals sentenced has changed over time (Figure 6). The share of individuals sentenced who are White has decreased by 26 percentage points since 1981 (from 82% to 56%), while the share of those who are Black has increased by 16 percentage points (from 11% to 27%). There has also been an increase in the other racial categories: the American Indian and Hispanic groups saw a 4 percentage-point increase, and the Asian group saw a 2.5 percentage-point increase.

Figure 6. Distribution of Cases by Race/Ethnicity, 1981–2022



Since the implementation of the Guidelines in 1981, males have comprised at least 80 percent of those sentenced for felonies each year (Table 8, p. 43). In 2022, 81.4 percent of those sentenced were male, and 18.6 percent were female. In comparison, 50.1 of Minnesota’s 2022 adult population were female and 49.9 percent were male.

Most people sentenced for a felony in 2022 were male (81.4%) and White (55.5%), and more individuals were sentenced in the 4th Judicial District (17.3%; includes Minneapolis) than any other.

While the Black or African American population made up 7.1 percent of Minnesota’s adult population, it made up 26.5 percent of those sentenced; and while the American Indian population was 1.5 percent of the state’s adult population, it made up 9.3 percent of people sentenced. The 9th Judicial District (includes Bemidji) accounted for 6.1 percent of Minnesota’s adult population but 10.5 percent of the people sentenced. See Table 1 for more information.

Table 1. Cases Sentenced, 2022, by Sex, Race/Ethnicity, and Judicial District, Compared to 2022 Estimated Adult Population

	MSGC Category	People Sentenced in 2022		U.S. Census Category	2022 Estimated Adult Population		People Sentenced per 100,000
		Number	Percent		Number	Percent	
	Male	13,237	81.4	Male	2,209,101	49.9	599
	Female	3,022	18.6	Female	2,213,921	50.1	136
Race & Ethnicity	White	9,025	55.5	White*	3,651,116	82.5	247
	Black	4,309	26.5	Black or African American*	312,836	7.1	1,377
	American Indian	1,508	9.3	American Indian*	68,465	1.5	2,203
	Hispanic**	925	5.7	Hispanic**	219,076	5.0	422
	Asian	488	3.0	Asian/Pacific Islander*	249,941	5.7	195
	Other/Unknown	4	0.0	--	--	--	***
Judicial District	First	2,372	14.6	First	636,272	14.4	373
	Second	1,506	9.3	Second	413,897	9.4	364
	Third	1,198	7.4	Third	380,656	8.6	315
	Fourth	2,815	17.3	Fourth	991,808	22.4	284
	Fifth	1,025	6.3	Fifth	224,508	5.1	457
	Sixth	725	4.5	Sixth	205,316	4.6	353
	Seventh	1,802	11.1	Seventh	387,110	8.8	466
	Eighth	514	3.2	Eighth	124,543	2.8	413
	Ninth	1,702	10.5	Ninth	268,217	6.1	635
	Tenth	2,600	16.0	Tenth	790,695	17.9	329
	Total	16,259	100.0%	Total	4,423,022	100.0%	368

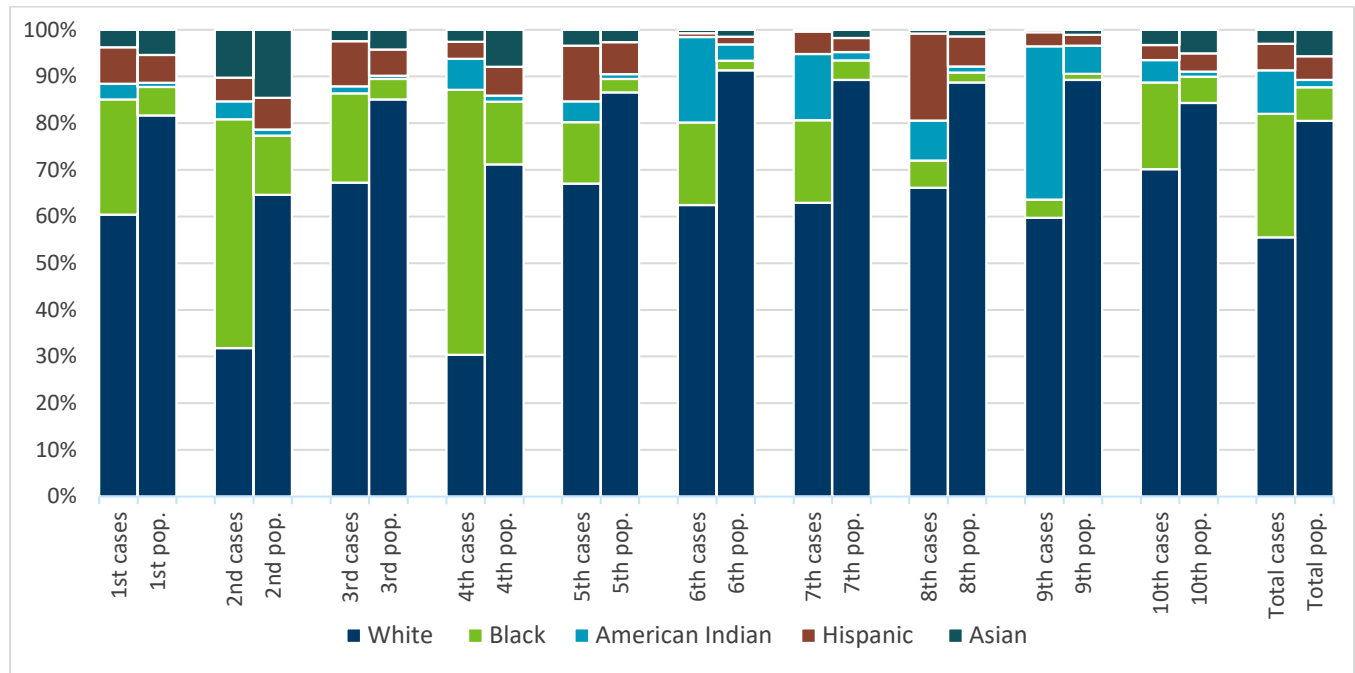
Source of July 1, 2022, population estimate: U.S. Census Bureau (Nov. 2023).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.8%) because residents of more than one race are counted in more than one category.

**This table lists all Hispanic people as Hispanic, regardless of race.

Figure 7 displays the distribution of the racial or ethnic composition of those sentenced in 2022 by Minnesota judicial district, with the racial or ethnic composition of each district's residential population shown for comparison. In two districts, the majority of those sentenced were non-White: the 2nd Judicial District (includes St. Paul) and the 4th Judicial District (includes Minneapolis).

Figure 7. Distribution of Cases and Population by Race and Judicial District, 2022



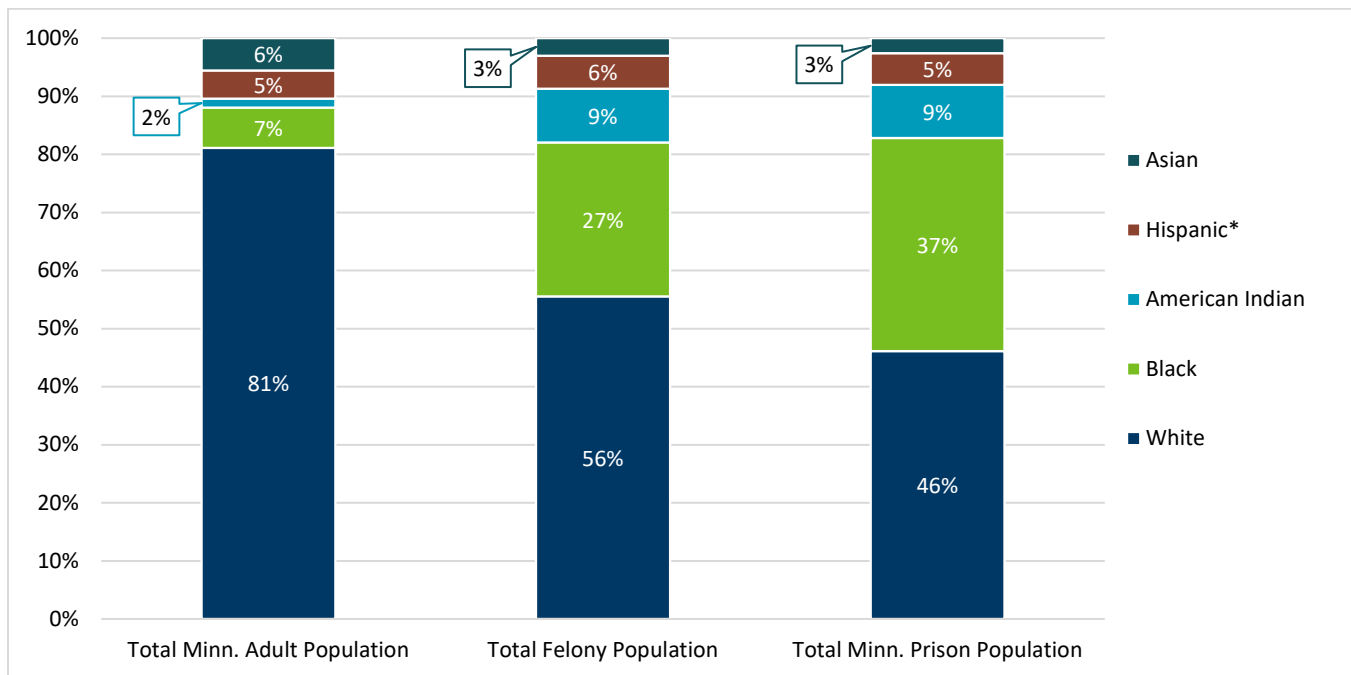
Residential population age 15 or older as of July 1, 2022, as estimated by the U.S. Census Bureau (Nov. 2023). The sums of the residential population percentages exceed 100 percent because, except for Hispanic residents, residents of more than one race are counted in more than one category, although the figure displays them as if they totaled 100 percent.

Felony Incarceration Rates

The Guidelines recommend who should go to a state prison, and for how long, based on the severity of the offense and certain criminal history factors. This recommendation is known as the “presumptive sentence.” When the Guidelines recommend a state prison sentence, it is called a “presumptive commitment” or “presumptive prison.” When the Guidelines recommend a non-prison sentence, it is called a “presumptive stayed sentence.” When a defendant goes to a state prison, it is called an “executed prison sentence.” When a defendant does not go to prison, it is called a “stayed sentence,” and the judge usually places the defendant on probation. As a condition of probation, the judge may impose up to 364 days of confinement to be served in their community. Probationers usually serve some time in a local correctional facility and are often given other intermediate sanctions such as treatment (residential or nonresidential), restitution, electronic monitoring, and fines.

Figure 8 highlights the differences between the racial distributions in 2022 of Minnesota’s adult residents compared to people sentenced for felonies and people in prison.

Figure 8. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2022



*This figure lists all Hispanic people as Hispanic, regardless of race.

Source of July 1, 2022, population estimate: U.S. Census Bureau (Nov. 2023). Source of July 1, 2022, adult inmate population: Minn. Department of Corrections. For the Census Bureau estimate, the sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.8%) because non-Hispanic residents of more than one race are counted in more than one category, although the figure displays them as if they totaled 100 percent.

Total Incarceration

The total incarceration rate is the percentage of felony cases in which the sentence included imprisonment in a state correctional facility (“prison”) or post-sentence confinement in a local correctional facility, such as a county jail or workhouse. As seen in Figure 9, the total incarceration rate has varied over time with a low of 63 percent in 1982 to a high of 93 percent in 2013. In 2022, the total incarceration rate was 85.5 percent.

Figure 9. Prison & Conditional Confinement Rates, 1982–2022

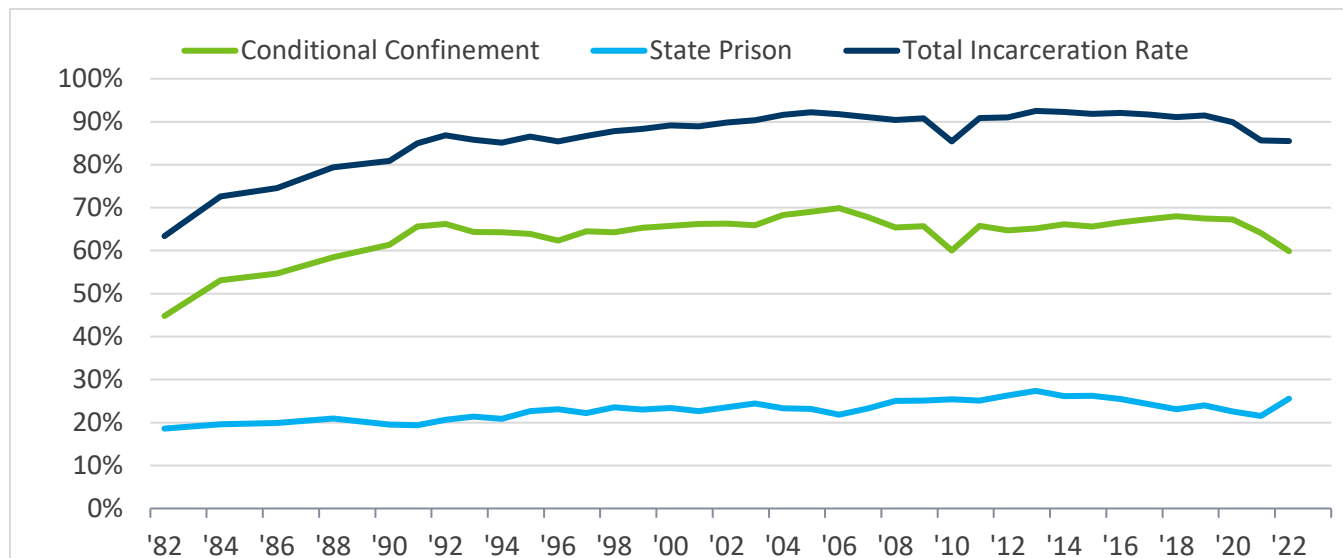
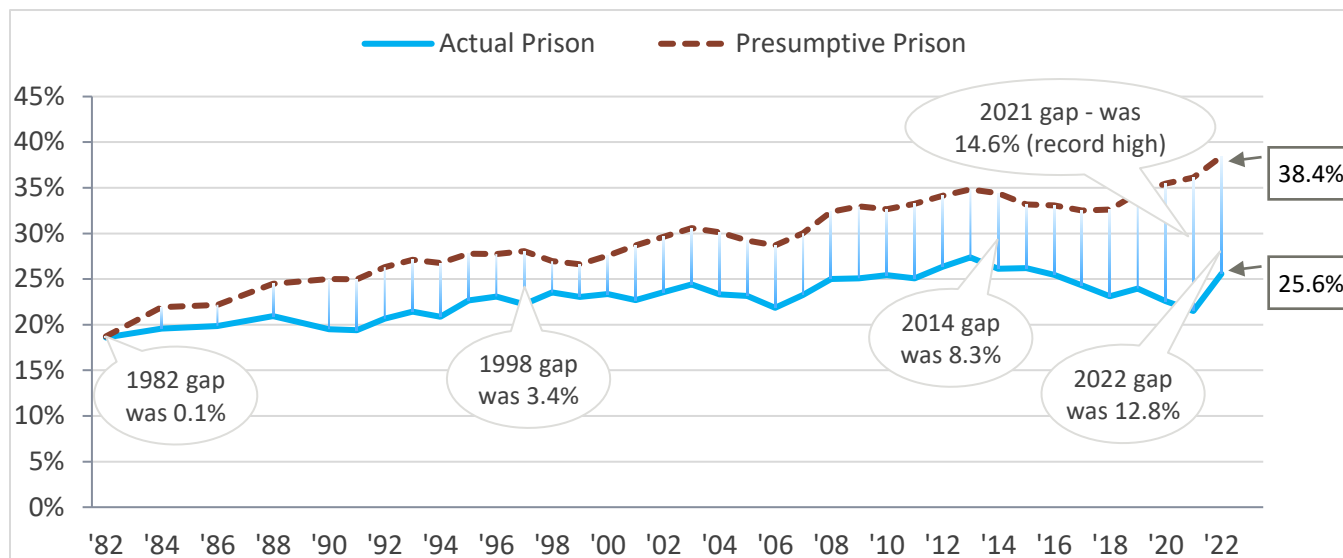


Figure 9 shows the separate rates for state prison and local confinement. For comparison, Figure 10 also displays the “presumptive prison rate,” which is the rate at which the Guidelines recommended prison. More defendants are recommended state prison than actually go.

Figure 10. Actual & Presumptive Prison Rates, 1982–2022



In 2022, the Guidelines recommended prison in a record-high 38.4 percent of cases (Figure 10, “Presumptive Prison Rate”),⁷ compared to the actual prison rate of 25.6 percent. The difference between these two rates is 12.8 percentage points. Historically, the gap between the presumptive prison rate and the actual prison rate remained steady—never exceeding 6 percent—until the early 2000s. Since that time, the gap has widened—between 7 to 10 percentage points in the 2010s and, in the 2020s, between 13 to 15 percentage points (Figure 10).

Incarceration by Sex, Race/Ethnicity, and Judicial District

Table 2 provides total incarceration information for cases sentenced in 2022 by sex, race/ethnicity and judicial district. “Total Incarceration” includes all sentences that included a prison sentence or local confinement time as a condition of a stayed sentence.

Sixty-eight percent of females received local confinement, while 11 percent received prison. More males (29%) than females received prison, while males received local confinement in 58 percent of cases.

The incarceration rate also varied by racial category, with the White category having the lowest incarceration rate in 2022 at 84.5 percent, while the Hispanic category had the highest incarceration rate at 89.6 percent. Focusing only on prison, the White population had the lowest prison rate (22.5%), while the Black population had the highest prison rate (30.7%). The American Indian, Hispanic, and Asian populations all had prison rates around 27 percent (Table 2).

Geographically, the incarceration rate ranged from a low of 77 percent in the 9th Judicial District (includes Bemidji) to a high of 96 percent in the 2nd Judicial District (includes St. Paul). The 2nd Judicial District also had the highest prison rate at 30.3 percent, while the 1st Judicial District (includes Lakeville) had the lowest prison rate (20.7%). The 8th Judicial District (includes Willmar) had the highest local confinement rate (68.7%), while the 9th and 4th judicial districts (include Bemidji and Minneapolis, respectively) had the lowest rates of local confinement (49.6% and 50.8%, respectively).

⁷ Even without the data anomaly discussed in footnote 12 (p. 25), the 2022 presumptive-prison rate would still have been 38.4 percent.

Table 2. Incarceration Rates by Sex, Race/Ethnicity, and Judicial District, 2022

	Total Number	Total Incarceration		Local Confinement		State Prison			
		Number	Rate (%)	Number	Rate (%)	Number	2022 Rate (%)	2017–21 5-Yr. Rate	2018–22 5-Yr. Rate
Male	13,237	11,509	86.9	7686	58.1	3,823	28.9	26.4	26.7
Female	3,022	2,389	79.1	2053	67.9	336	11.1	9.9	9.9
Race & Ethnicity	White	9,025	7,625	84.5	5596	62.0	2,029	22.5	20.4
	Black	4,309	3,723	86.4	2401	55.7	1,322	30.7	28.6
	American Indian	1,508	1293	85.7	873	57.9	420	27.9	24.3
	Hispanic	925	829	89.6	577	62.4	252	27.2	26.2
	Asian	488	428	87.7	292	59.8	136	27.9	21.3
	Other/ Unknown	4	0	0.0	0	0.0	0	0.0	11.0
Judicial District	First	2,372	2,001	84.4	1,510	63.7	491	20.7	19.1
	Second	1,506	1,443	95.8	986	65.5	457	30.3	23.6
	Third	1,198	939	78.4	623	52.0	316	26.4	24.1
	Fourth	2,815	2,229	79.2	1,431	50.8	798	28.3	25.3
	Fifth	1,025	898	87.6	656	64.0	242	23.6	20.7
	Sixth	725	617	85.1	433	59.7	184	25.4	21.1
	Seventh	1,802	1,643	91.2	1,141	63.3	502	27.9	26.7
	Eighth	514	482	93.8	353	68.7	129	25.1	24.2
	Ninth	1,702	1,314	77.2	845	49.6	469	27.6	25.6
	Tenth	2,600	2,332	89.7	1,761	67.7	571	22.0	20.6
Total		16,259	13,898	85.5	9,739	59.9	4,159	25.6	23.2

Figures 11 and 12 compare the actual 2022 prison rates (see Table 2) with the presumptive prison rates—the rates at which the Sentencing Guidelines recommended prison. For all groups, the presumptive imprisonment rate was higher than the actual imprisonment rate. Two observations may be made.

First, within each category (sex, race/ethnicity, and geography), the group with the largest presumptive prison rate was also the group with the largest gap between the presumptive and actual imprisonment rates.

Specifically:

- Males had a higher presumptive imprisonment rate than females (43% vs. 19%), and the larger gap between presumptive and actual imprisonment rates (14 percentage points vs. 8 percentage points).
- Among racial and ethnic groups, the Black population had the highest presumptive prison rate (47%), and the largest gap between presumptive and actual prison rates (17 percentage points).
- Geographically, the 2nd Judicial District (includes St. Paul) had the highest presumptive prison rate (53%), and the largest gap between presumptive and actual prison rates (22 percentage points).

Second, each category saw a greater variation between presumptive prison rates than actual prison rates. Between males and females, there was a 23-percentage-point difference in the presumptive prison rates, but an 18-point difference in the actual prison rates. Among racial and ethnic groups, the presumptive prison rates were spread out over 13 percentage points, while the actual prison rates were spread out over 8 percentage points. Among judicial districts, the percentage-point spread was 22 points for presumptive prison, but 10 points for actual prison.

Figure 11. Actual & Presumptive Prison Rates by Sex & Race/Ethnicity, 2022

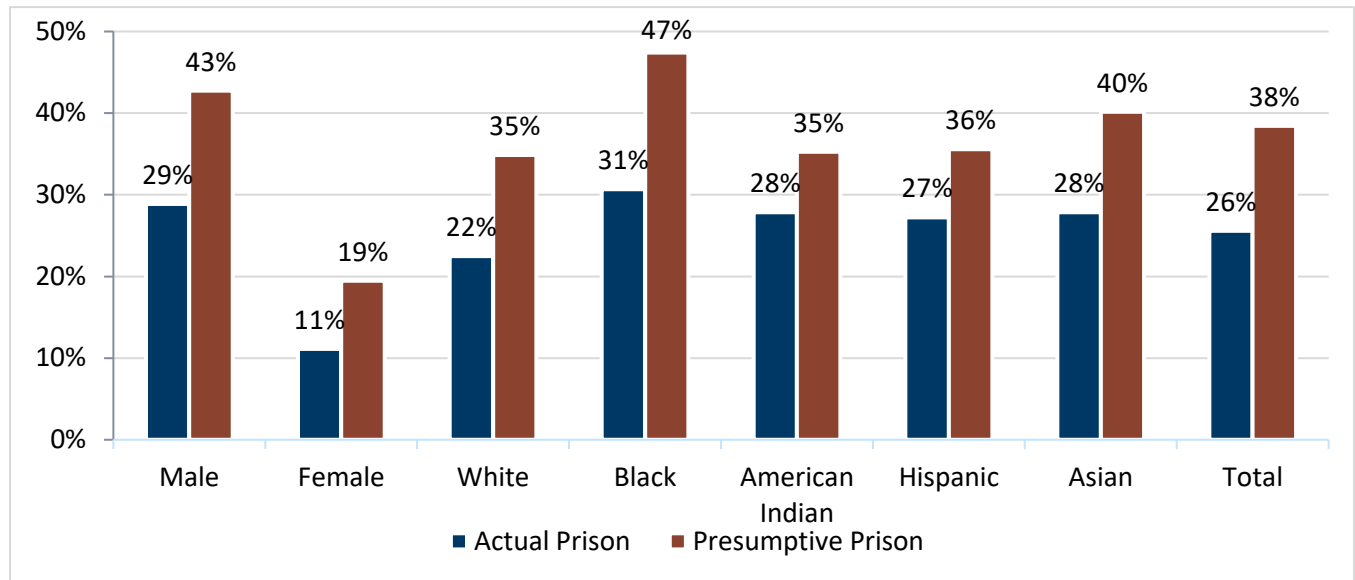
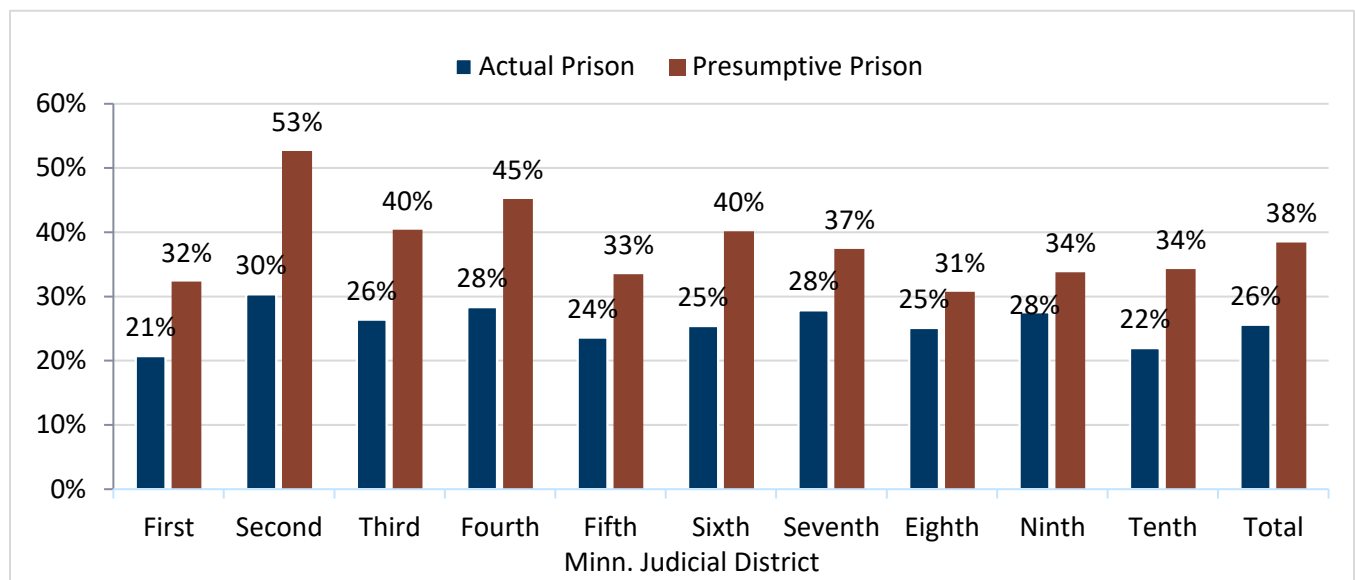


Figure 12. Actual & Presumptive Prison Rates by Judicial District, 2022

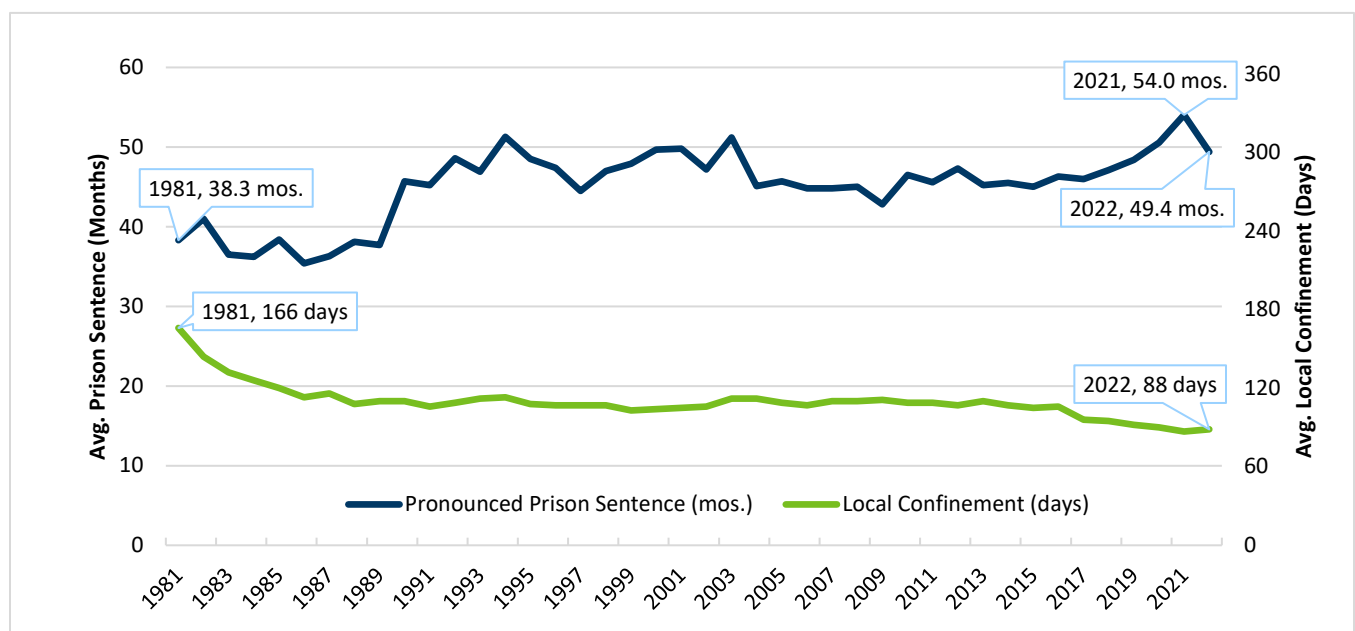


Average Pronounced Felony Sentences (Durations)

State Prison

The average pronounced prison sentence has fluctuated as shown in Figure 13. From 1981 to 1989, the average was 37.5 months, increasing to 47 months from 1992⁸ to 2022. 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 1989⁹ and, for a time, an increase in the number of upward durational departures.

Figure 13. Average Pronounced Prison Sentences and Local Confinement, 1981–2022



Local Confinement (Post-Sentence in County Jails and Workhouses)

MSGC tracks the term of local confinement pronounced as a condition of probation, not the actual time served. These two numbers are not always equivalent because, 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 off 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.

In 2022, the average amount of local confinement pronounced was 88 days. This average remained fairly consistent—between 103 and 113 days—from 1988 through 2016, but has been less than 100 days since 2017 (Table 26, p. 75).

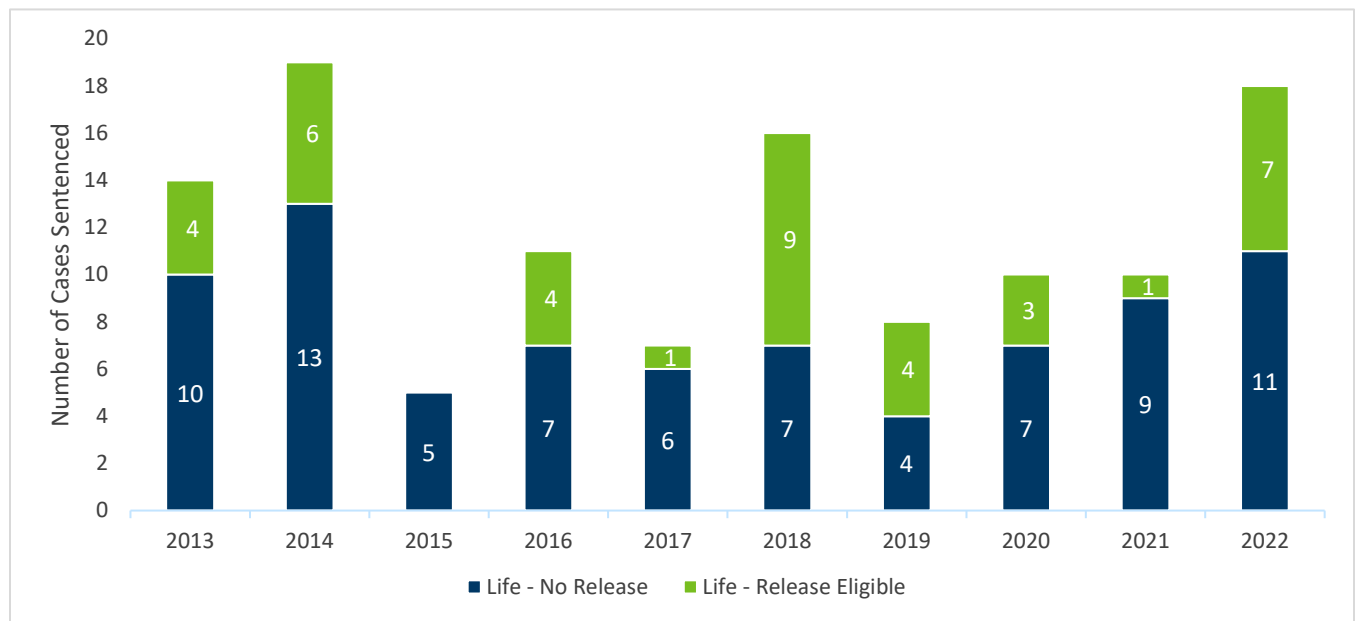
⁸ 1990 & 1991 data are not included because of a mixture of presumptive sentences.

⁹ See “Changes to the Sentencing Grid Over Time – 1989,” p. 8.

Life Sentences

Eighteen people received life sentences in 2022, the highest number since 2014 (see Figure 16). Of the eighteen life sentences, seventeen were for first-degree murder and one was for first-degree criminal sexual conduct. Eleven will never be eligible for release: ten because the conviction was for premeditated first-degree murder,¹⁰ and one because the conviction was first-degree criminal sexual conduct with two or more heinous elements or as a repeat offender. Life sentences are excluded from the average pronounced prison sentences reported.

Figure 14. Life Sentence Cases, 2013–2022



¹⁰ 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.

Departures from the Sentencing Guidelines

A “departure” is a pronounced sentence other than that recommended by the Guidelines. Because the presumptive sentence is based on “the typical case,” a departure from a case that is not typical can actually help enhance proportionality in the Guidelines. When there is a departure, the court must cite substantial and compelling reasons for the departure on the record.

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.

In 2022, 96.8 percent of felony convictions were obtained without a trial. Felony convictions obtained without a trial have always been over 95 percent. Only a small percent of cases, 1 to 2 percent, result in an appeal of the sentence pronounced by the court.

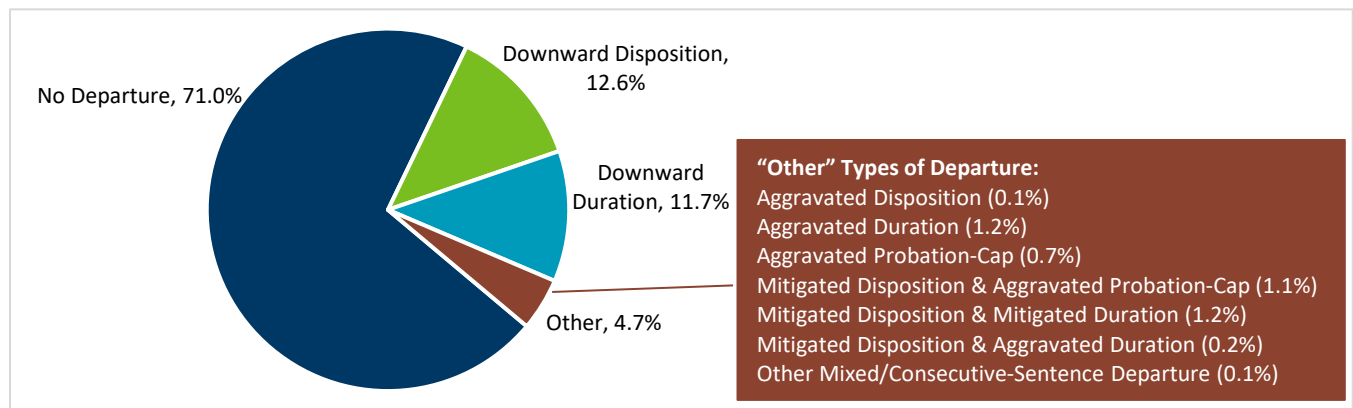
When there is departure from the presumptive sentence, the court is required to submit reasons for the departure to the Commission.¹¹ Along with reasons for departure, the court may supply information about the position of the prosecutor regarding the departure. In 2022, the Commission received departure reasons, information about the position of the prosecutor, or both, in 94 percent of departure cases.

¹¹ Minn. R. Crim. P. [27.03](#), subd. 4(C).

Total Departures

In 2022, 71 percent of the cases sentenced received the Guidelines recommended sentences. In the remaining 29 percent of cases, there was some type of departure, *i.e.*, downward/mitigated, upward/aggravated, or mixed (Figure 15).¹² Among the aggravated departures was a new type of departure: a departure from the new five-year presumptive probation cap.¹³ Such a departure occurred in 0.7 percent of the 2022 cases (116 cases).

Figure 15. Total Departure Rates, All Cases, 2022

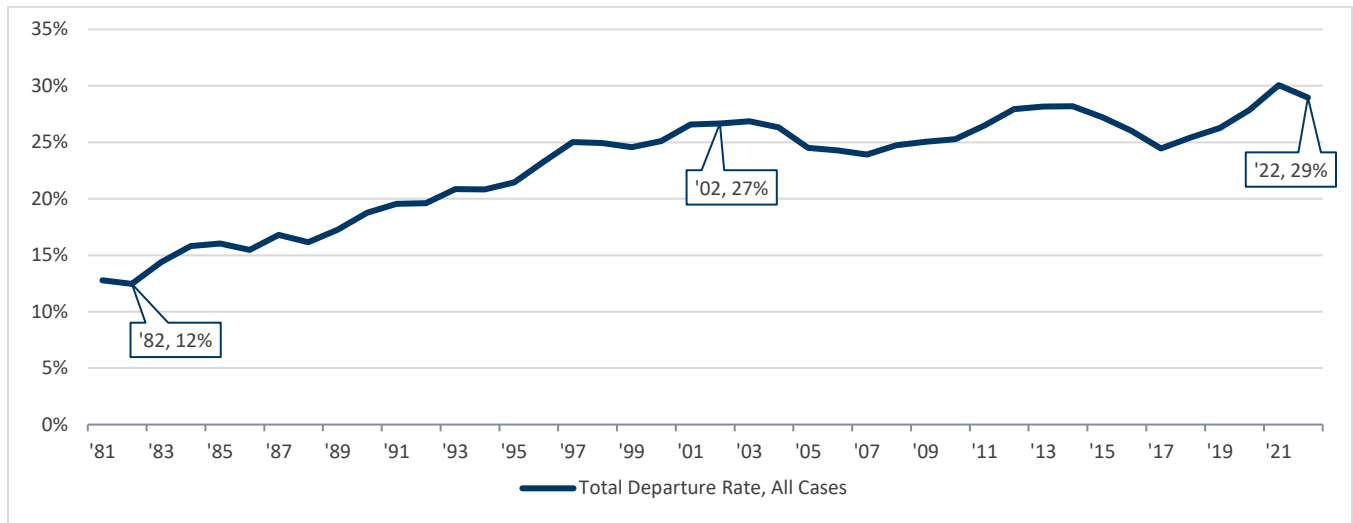


Total departure rates have changed over time. In the 1980s, rates were below 20 percent, while they increased to between 24 to 27 percent in the 2000s (Figure 15). As stated above, the 2022 total departure rate was 29 percent.

¹² Throughout this report, both presumptive commitments and mitigated dispositional departures are overstated by six cases in 2022. This data anomaly was caused by the transition to the rule in *State v. Beganovic*, 974 N.W.2d 278, 288 (Minn. Ct. App. 2022), *aff'd on other grounds* (Minn. June 14, 2023), which required the court to disregard a partial custody-status point when calculating the presumptive sentence.

¹³ Effective August 1, 2020, it was an aggravated/upward length of stay departure to exceed five-years or the length of the statutory maximum punishment, whichever was less, in most cases. This policy applied until August 1, 2023, at which time the Legislature codified similar five-year probation lengths in [Minn. Stat. § 609.135](#).

Figure 16. Total Departure Rates, All Cases, 1981–2022

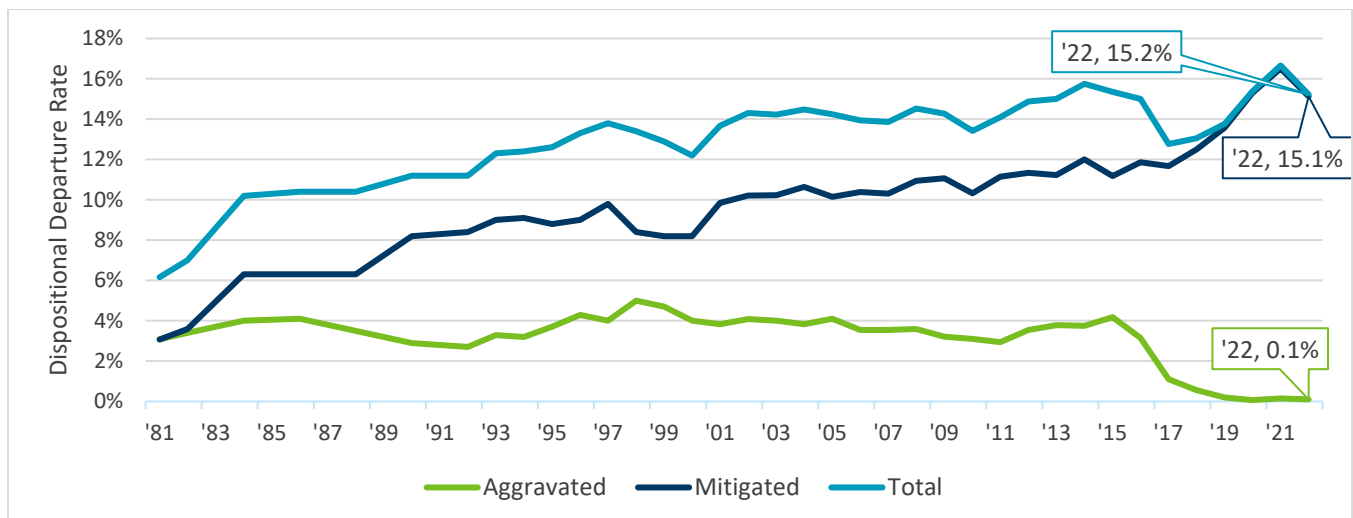


Dispositional Departures

While the section above discussed both dispositional and durational departure rates combined, this section focuses on dispositional departures.

As seen in Figure 17, the total dispositional departure rate has slowly increased over time, from 6 percent in 1982 to 15.2 percent in 2022.

Figure 17. Dispositional Departure Rates, All Cases, 1981–2022



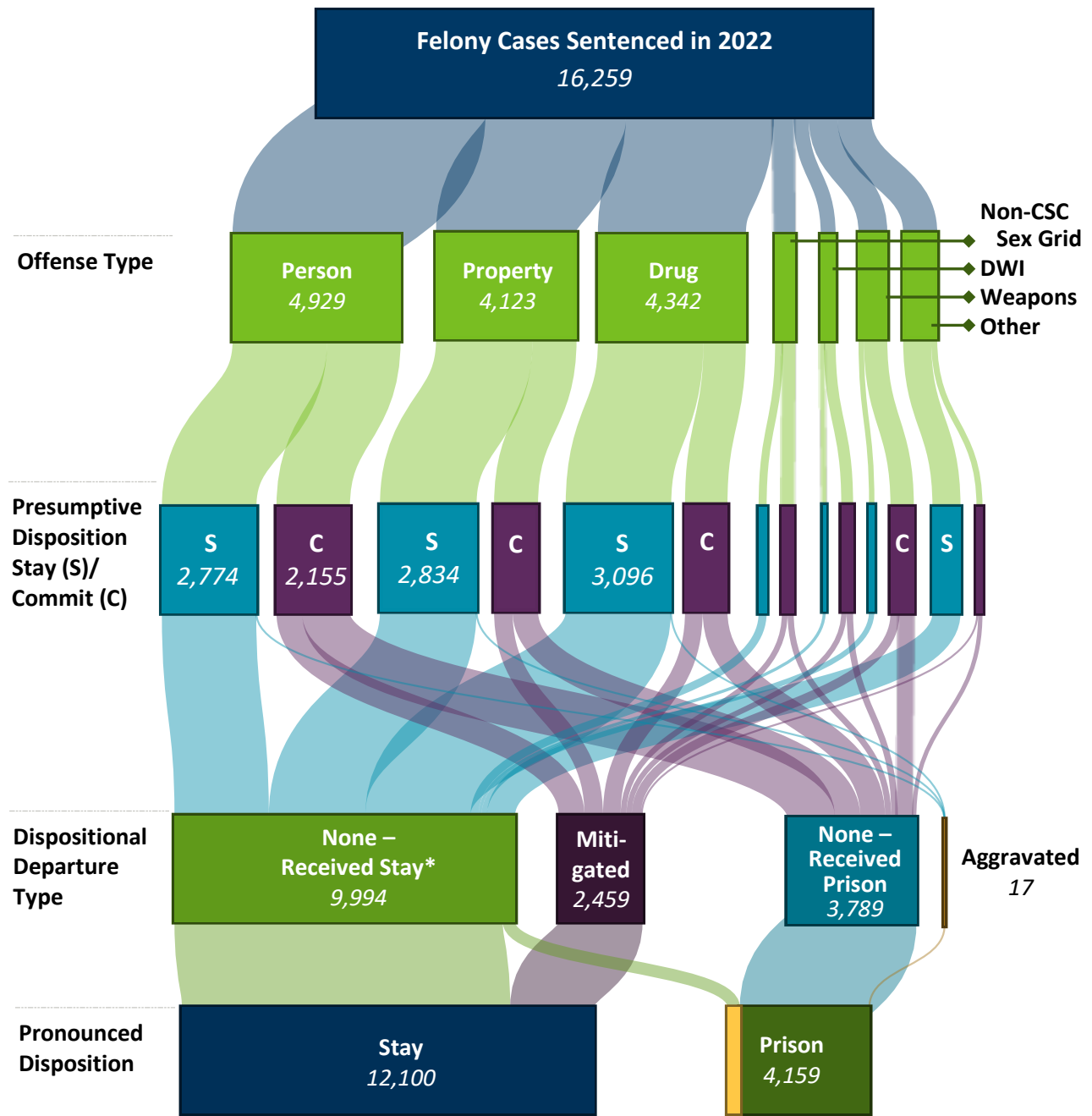
Note: For a discussion about the decline in aggravated dispositional departures after 2015, see footnote 14 (p. 33).

Figure 18 illustrates the flow of felony cases sentenced in 2022 and highlights dispositional departures for the various types of cases. For example, of all 16,259 cases sentenced in 2022, 4,929 cases were person offenses. Of the 4,929 person cases, 2,774 had a presumptive stayed disposition and 2,155 had a disposition of presumptive

commit to prison. Of the 2,155 presumptive commit cases, 35 percent received a mitigated dispositional departure.

For legibility, Figure 18 omits case-volume labels in several categories. See Table 12 (p. 51) for detailed information.

Figure 18. Flow of Felony Dispositions, 2022



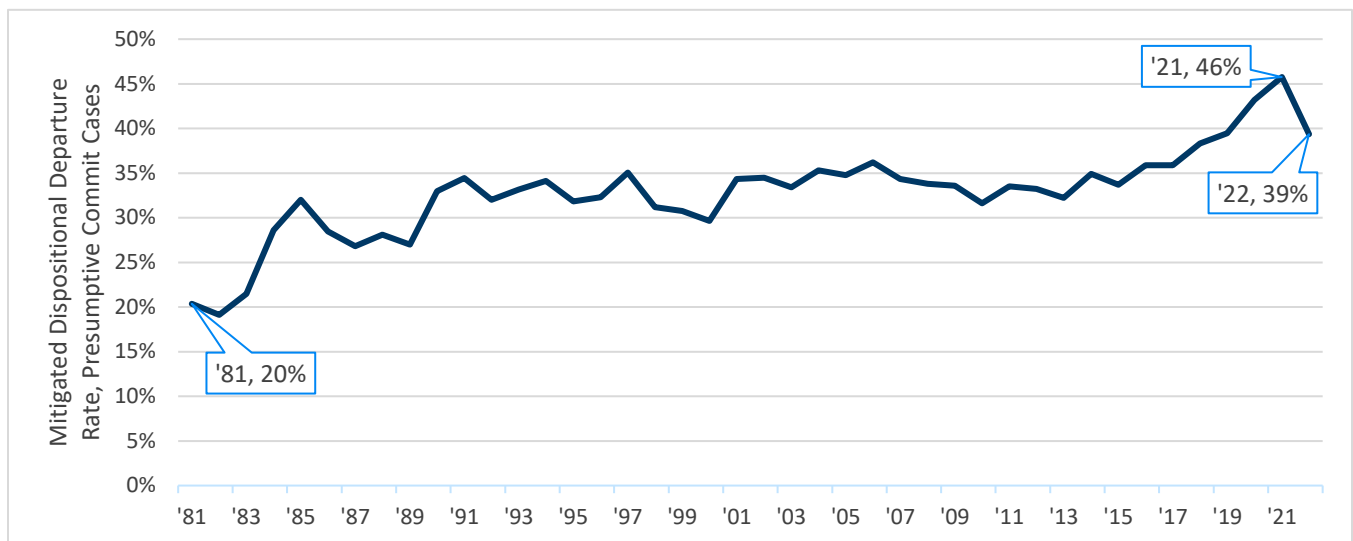
*Except that, in 359 presumptive-stay cases, the defendant demanded execution of the sentence.

Mitigated Dispositional Departure Rates for Presumptive Commitment Offenses

While figures 17 and 18 display both mitigated and aggravated dispositional departures for all cases, Figure 19 focuses only on mitigated dispositional departures. Because a mitigated dispositional departure occurs when the Guidelines recommend an executed prison sentence but the court pronounces a stayed sentence, the rates in Figure 19 are reported as a percentage of presumptive commitment cases only. The rates in Figure 19 are therefore higher than those illustrated by the “Mitigated” line in Figure 17, which are percentages of all cases sentenced.

In 2022, the mitigated dispositional departure rate in presumptive commitment cases was 39.4 percent. While lower than 2021’s record-high rate (45.7%), the 2022 rate was higher than the mitigated dispositional departure in each of the first 38 years of the Minnesota Sentencing Guidelines.

Figure 19. Mitigated Dispositional Departure Rates, Presumptive Commit Cases Only, 1981–2022



Mitigated Dispositional Departure Rates by Sex, Race or Ethnicity, and Judicial District

Table 3 lists dispositional departure rates by sex, race or ethnicity, and judicial district for presumptive commitment offenses. In 2022, the mitigated dispositional departure rate was higher for females (53.4%) than males (37.9%). The mitigated dispositional departure rate was highest for the White population (42.9%) and the lowest for the American Indian population (28.8%). There was also variation in the rate by judicial district, ranging from a low of 29.1 percent in the 8th District (includes Willmar) to a high of 45.5 percent in the 2nd District (includes St. Paul).

When reviewing Table 3, note that observed variations may be partly explained by regional differences in case volume, charging practices, and plea agreement practices, as well as differences in the types of offenses sentenced, criminal history scores of defendants across racial groups or across regions, and available local correctional resources. For example, the 8th District (includes Willmar) makes up three percent of the state’s case volume (514 cases) with 31 percent of the cases being presumptive commitments (158 cases). By

comparison, the 4th District (includes Minneapolis) makes up 17 percent of the state’s case volume (2,815 cases) with 45 percent of the cases being presumptive commitments (1,272 cases).

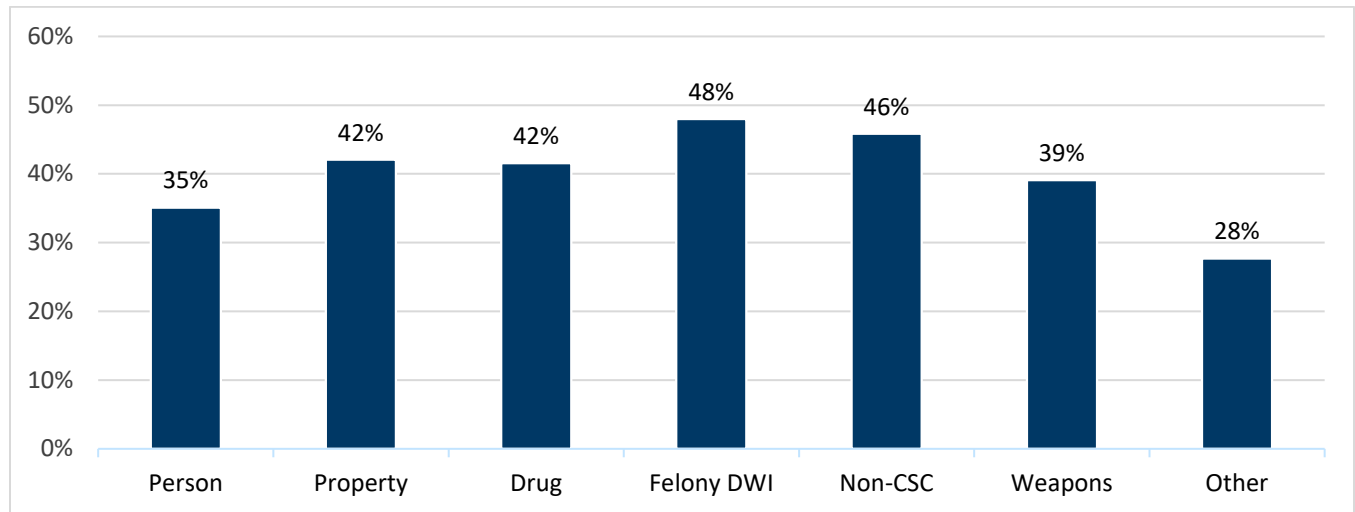
Table 3. Dispositional Departures by Presumptive Disposition, by Sex, Race/Ethnicity, & Judicial District, 2022

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2022 Rate (%)	2018–22 5-Yr. Rate
	Male	13,237	7,577	14	0.2	5,660	2,145	37.9	39.2
	Female	3,022	2,434	3	0.1	588	314	53.4	57.6
Race/Ethnicity	White	9,025	5,878	13	0.2	3,147	1,349	42.9	44.0
	Black	4,309	2,265	1	0.0	2,044	781	38.2	38.9
	American Indian	1,508	976	1	0.1	532	153	28.8	33.2
	Hispanic	925	596	2	0.3	329	103	31.3	34.8
	Asian	488	292	0	0.0	196	73	37.2	43.1
	Other/Unknown	4	4	0	0.0	0	---	---	---
Judicial District	First	2,372	1,605	3	0.2	767	336	43.8	42.0
	Second	1,506	713	1	0.1	793	361	45.5	49.9
	Third	1,198	714	2	0.3	484	203	41.9	43.2
	Fourth	2,815	1,543	2	0.1	1,272	499	39.2	39.0
	Fifth	1,025	682	2	0.3	343	130	37.9	40.8
	Sixth	725	434	1	0.2	291	119	40.9	47.2
	Seventh	1,802	1,128	1	0.1	674	232	34.4	33.8
	Eighth	514	356	0	0.0	158	46	29.1	31.1
	Ninth	1,702	1,127	2	0.2	575	172	29.9	33.8
	Tenth	2,600	1,709	3	0.2	891	361	40.5	43.6
	Total	16,259	10,011	17	0.2	6,248	2,459	39.4	40.9

Mitigated Dispositional Departure Rate by Offense Type

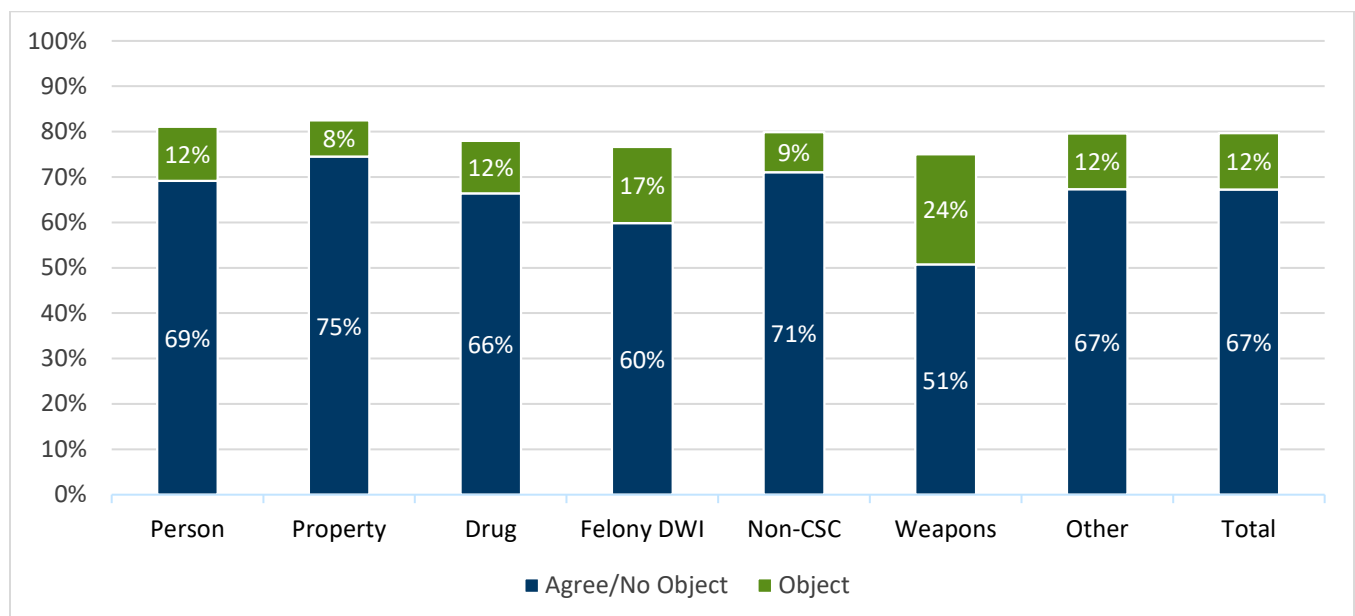
The mitigated dispositional departure rate varies by offense type and by year. Over the last decade, non-CSC sex offense cases and felony DWI cases have typically had the highest mitigated dispositional departure rates (averaging 48% for Non-CSC Sex Grid and 46% for DWI) while person, property, and other (for example, fleeing police in motor vehicle, and tax offenses) offenses have had the lowest rates – averaging 36 percent for person offenses, 35 percent for property offenses, and 28 percent for other offenses. Figure 20 displays the mitigated dispositional departure rate in 2022 by offense type. The rate is highest for non-CSC sex offenses and felony DWI, and lowest for person and “other” offenses.

Figure 20. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitments Only, 2022



In many departure cases (80% in 2022) the court reported to MSGC the prosecutor’s position on the departure—whether the prosecutor objected to, recommended, or did not object to the departure. In 67 percent of all mitigated dispositional departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 12 percent of these cases, the court stated that the prosecutor objected to the departure. Prosecutor agreement can vary by offense type. In all offense categories, amenability to probation and amenability to treatment were the most frequently cited substantial and compelling reasons for departure recorded.

Figure 21. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, by Offense Type, 2022

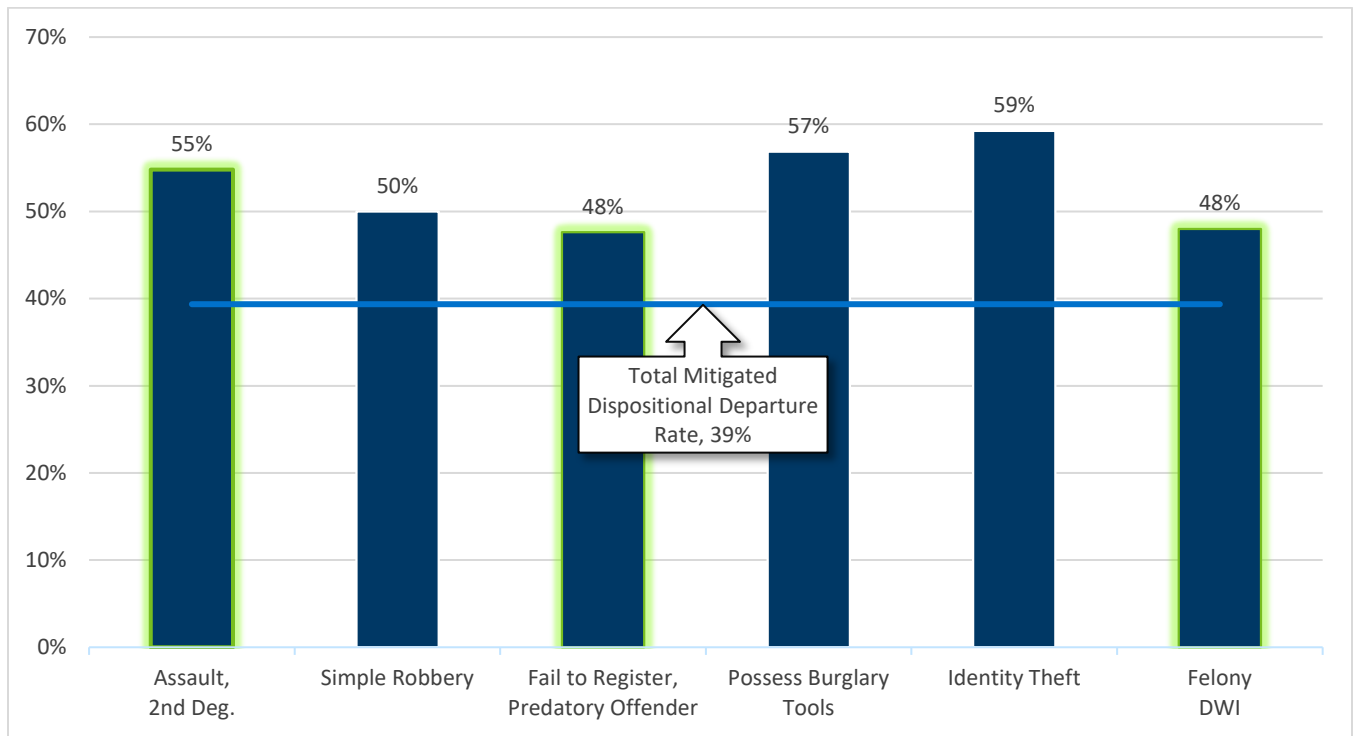


Notes: Departure reports do not always include information on the prosecutor’s position, which is why the columns do not add up to 100% for each offense. “Total” refers to the total 2,459 cases receiving mitigated dispositional departures.

Mitigated Dispositional Departure Rate for Selected Offenses

Dispositional departure rates also vary for the type of offense. Figure 22 displays the highest rates of mitigated dispositional departure in 2022 compared to the total rate of 39 percent. The selected offenses were those with 50 or more presumptive commitment cases and a mitigated dispositional departure rate of 47 percent or more. Since 2015, three offenses consistently remain in this select group: Assault in the second degree, failure to register as a predatory offender, and felony DWI (highlighted in green below).

Figure 22. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2022

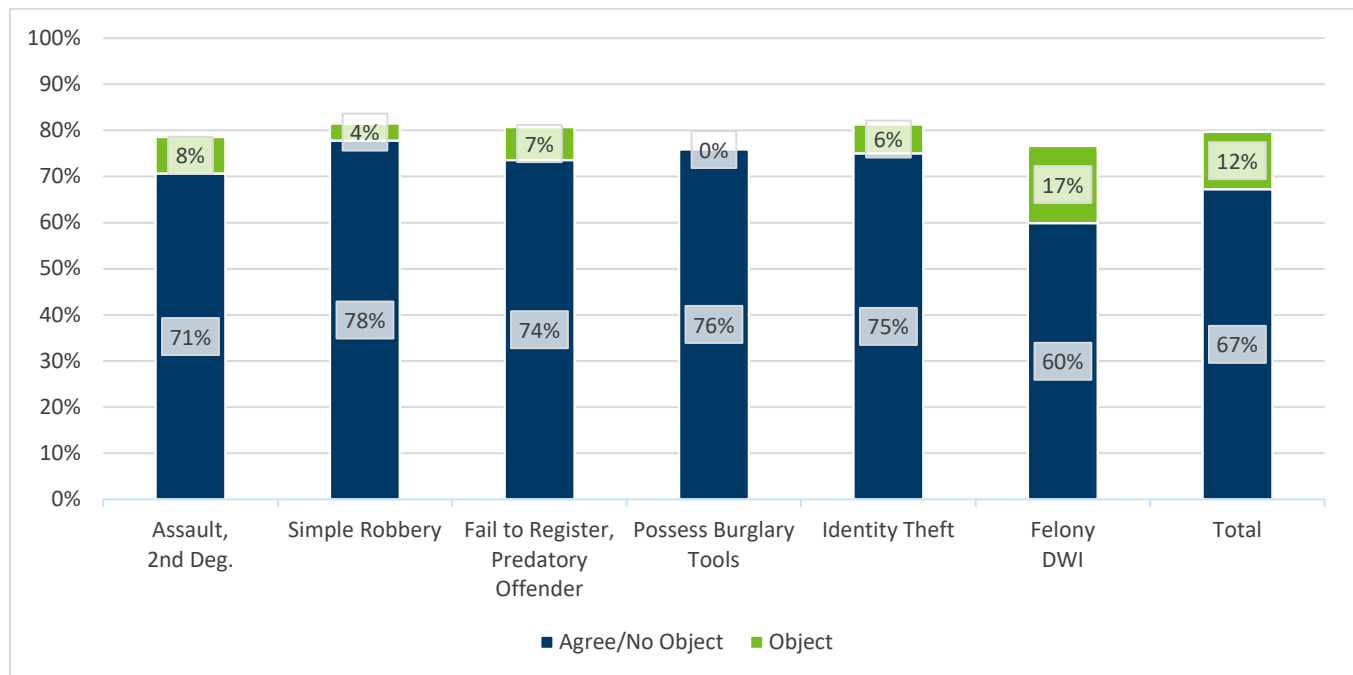


Note: Assault, 2nd Deg. (N=323); Simple Robbery (N=54); Fail to Register, Predatory Offender (N=294); Possess Burglary Tools (N=51); Identity Theft (N=54); Felony DWI (N=583).

Two of the offenses highlighted in Figure 22, assault in the second degree and failure to register as a predatory offender, have mandatory minimum sentences specified in statute, with provisions allowing for departure from those mandatory minimums. Mandatory minimums are always a presumptive prison sentence with a presumptive duration that does not fall below a set minimum.

For the offenses with the highest rate of mitigated dispositional departures, most prosecutors agreed to the departure—with slightly lower rates for Felony DWI. In 17 percent of Felony DWI cases, the court stated that the prosecutor objected to the departure (Figure 23).

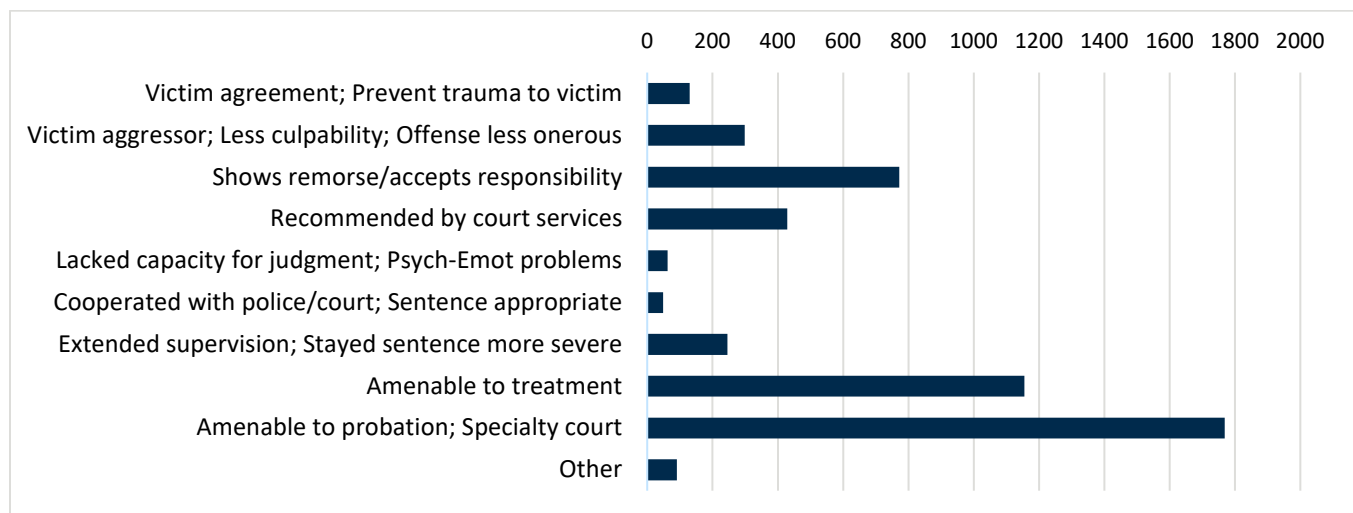
Figure 23. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, Selected Offenses, 2022



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

Amenability to probation, amenability to treatment, and a display of remorse or acceptance of responsibility were the most frequently cited substantial and compelling reasons for mitigated dispositional departure recorded (Figure 24).

Figure 24. Reasons Cited by the Court for Mitigated Dispositional Departures, 2022



Note: The total number of reasons displayed exceeds the number of mitigated dispositional departures (2,459) because the court may cite multiple reasons in support of a single departure.

Aggravated Dispositional Departure Rates for Presumptive Probation Offenses

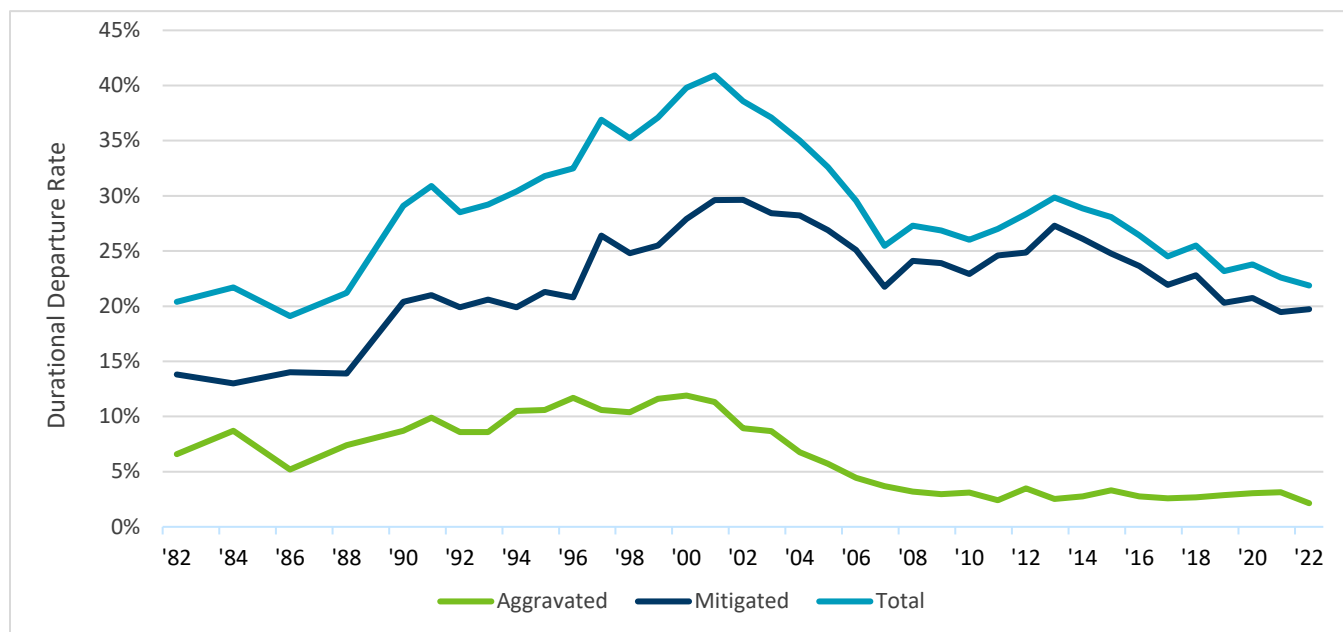
Of all cases sentenced in 2022, 0.1 percent (13 cases) were aggravated dispositional departures. Among only those cases at risk to receive an aggravated dispositional departure—*i.e.*, those with a presumptively stayed sentence—the aggravated dispositional departure rate was 0.2 percent.¹⁴

Durational Departures

While Figure 15 (p. 25) reports both the dispositional and durational departure rates among all cases, this section examines only durational departures, which 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.

This section focuses on departures for executed prison sentences (those for whom a prison sentence was imposed). Since the enactment of the Guidelines, the mitigated durational departure rate has consistently been higher than the aggravated durational departure rate (Figure 25).

Figure 25. Durational Departure Rates for Cases Receiving Executed Prison Sentences, 1982–2022



¹⁴ Before 2015, it was considered an aggravated dispositional departure for a person to demand execution of their sentence (that they go to prison instead of being put on probation). Before 2015, 85 percent of aggravated dispositional departures were because the person demanded execution of their sentence.

Both mitigated and aggravated durational departures increased until the early 2000s. 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 slowly declined, though fluctuating from year to year, and has appeared to settle around 20 percent. Likewise, after reaching a high of 12 percent in 2000, the aggravated durational departure rate also declined and has appeared to level off around 3 percent. In 1997, the gap between mitigated and aggravated departures began to grow and has been between 14 and 25 percent to date. 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 a U.S. Supreme Court ruling called *Blakely v. Washington*.¹⁵ In response to the U.S. Supreme Court's *Blakely* decision, the 2005 Minnesota Legislature expanded the amount of time that judges can pronounce without departing—from 15 percent below and 20 percent above the presumptive fixed sentence. In 2006, a Sex Offender Grid was adopted, which introduced higher presumptive sentences for repeat sex offenses and those with criminal history.¹⁶

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

Durational departure rates for executed prison sentences varies by gender, race or ethnicity, and Minnesota Judicial District (Table 4). The mitigated durational departure rate for males sentenced in 2022 was higher than for females (20% vs. 17%). When the departure rate is examined by racial or ethnic group, the rate varies from a low of 13.3 percent for the American Indian population to a high of 27.5 percent for the Black population. There is also considerable geographical variation in mitigated durational departure rates: while the rates in the 8th, 6th, 3rd, and 9th judicial districts (including Willmar, Rochester, and Bemidji, respectively) range between 4.7 to 7.7 percent, the rates in the 2nd and 4th judicial districts (including St. Paul and Minneapolis, respectively) were at 35.2 and 38.7 percent, respectively.

¹⁵ *Blakely v. Washington*, 542 U.S. 296 (2004), 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. 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).

¹⁶ 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>.

Table 4. *Durational Departures, Executed Prison Sentences, by Sex, Race/Ethnicity, & Judicial Dist., 2022*

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2022 Rate	2018–22 5-Yr. Rate
	Male	3,823	22.1	2,979	77.9	81	2.1	763	20.0	20.9
	Female	336	19.7	270	80.4	8	2.4	58	17.3	18.6
Race/Ethnicity	White	2,029	18.3	1,658	81.7	42	2.1	329	16.2	16.2
	Black	1,322	29.5	932	70.5	27	2.0	363	27.5	28.6
	American Indian	420	15.2	356	84.8	8	1.9	56	13.3	17.0
	Hispanic	252	17.9	207	82.1	7	2.8	38	15.1	17.7
	Asian	136	29.4	96	70.6	5	3.7	35	25.7	26.4
	Other/Unknown	0		---		---		---		
Judicial District	First	491	23.9	374	76.2	21	4.3	96	19.6	18.1
	Second	457	40.5	272	59.5	8	1.8	177	38.7	41.5
	Third	316	9.5	286	90.5	7	2.2	23	7.3	7.7
	Fourth	798	36.8	504	63.2	13	1.6	281	35.2	37.7
	Fifth	242	16.1	203	83.9	3	1.2	36	14.9	14.2
	Sixth	184	8.2	169	91.8	2	1.1	13	7.1	9.4
	Seventh	502	18.5	409	81.5	17	3.4	76	15.1	14.7
	Eighth	129	7.8	119	92.2	4	3.1	6	4.7	3.9
	Ninth	469	9.2	426	90.8	7	1.5	36	7.7	10.1
	Tenth	571	14.7	487	85.3	7	1.2	77	13.5	11.3
	Total	4,159	19.7	3,249	78.1	89	2.1	821	19.7	20.7

Durational Departures by Offense Type

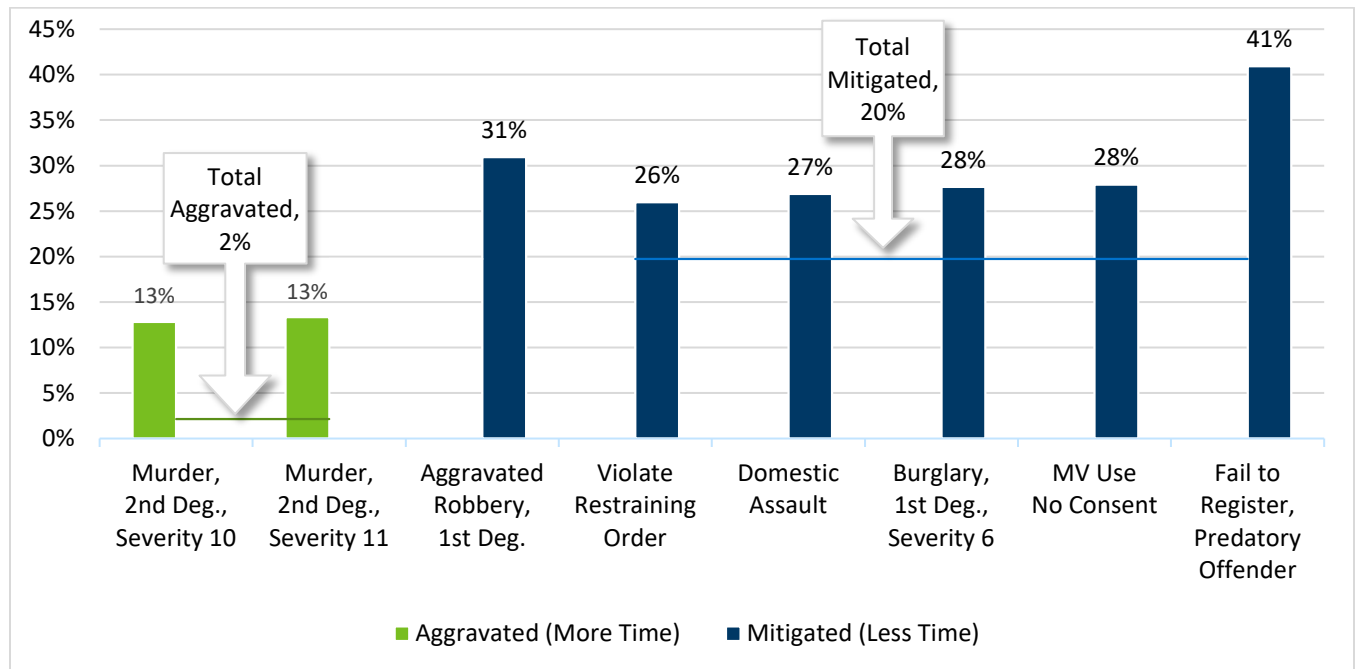
Offenses in the non-criminal sexual conduct (non-CSC sex offense) type have higher mitigated durational departure rates and lower aggravated durational departure rates than other offense types. The non-CSC sex offense with the highest mitigated durational departures (excluding an offense with very few cases) is failure to register as a predatory offender. Person offenses tend to have the highest aggravated durational departure rates (ranging from 3 to 6 percent).

Figure 26 displays those offenses with at least 47 executed prison cases that had the highest durational departure rates. Included in this graph are offenses with a mitigated durational departure rate of 26 percent or more; or an aggravated durational departure rate of nine percent or more.

Aggravated durational departure rates were highest for murder in the second degree. Mitigated durational departure rates were highest for aggravated robbery in the first degree and failure to register as a predatory

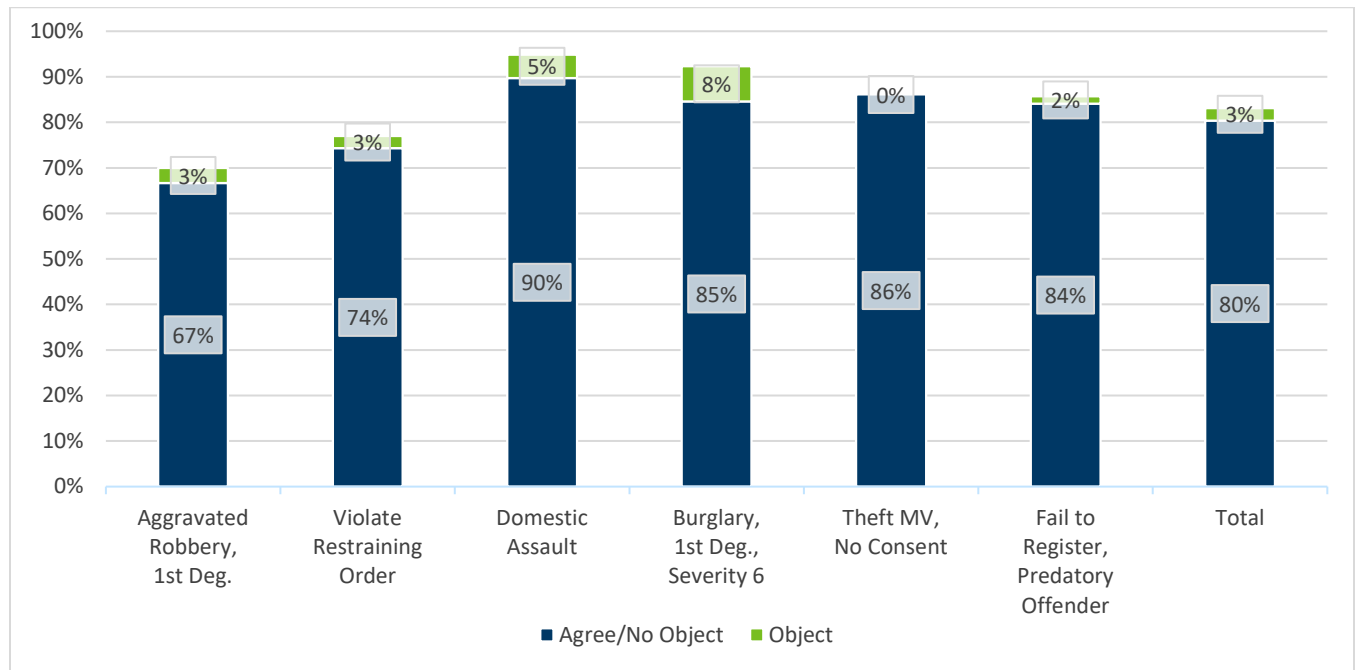
offender. Since 2017, aggravated robbery in the first degree and failure to register as a predatory offender have consistently been in the select group of cases in which mitigated durational departures are higher than the total.

Figure 26. Durational Departure Rates, Cases Receiving Executed Prison Sentences, Selected Offenses, 2022



Note: Murder, 2nd Deg. at Severity 10 (N=39); Murder, 2nd Deg. at Severity 11 (N=60); Aggravated Robbery, 1st Deg. (N=97); Violate Restraining Order (N=285); Domestic Assault (N=145); Burglary, 1st Deg. At Severity 6 (N=47); MV Use – No Consent (N=129); Fail to Register, Predatory Offender (N=154).

Figure 27. Court-Cited Position of Prosecutor, Mitigated Durational Departures, Executed Prison Sentences, Selected Offenses, 2022



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 47 or more executed prison cases and the mitigated durational departure rate was 26 percent or more.

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

Previous sections discussed variations—by sex, race or ethnicity, and judicial district—in mitigated dispositional departure rates for presumptive commitment offenses (p. 29) and in mitigated durational departure rates for executed prison sentences (p. 35). Among racial or ethnic groups whose members were sentenced in 2022 (Figure 28)—

- The White population had a higher mitigated dispositional departure rate than the total rate, but a lower durational departure rate;
- The Black and Asian populations had lower mitigated dispositional, but a higher durational departure rate than the total rate;
- The American Indian and Hispanic populations had lower mitigated dispositional and durational departure rates than the total rate.

Recall from Figure 7 that racial or ethnic composition varies by Minnesota 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.

Figure 28. Mitigated Departure Rates by Sex & Race/Ethnicity, 2022

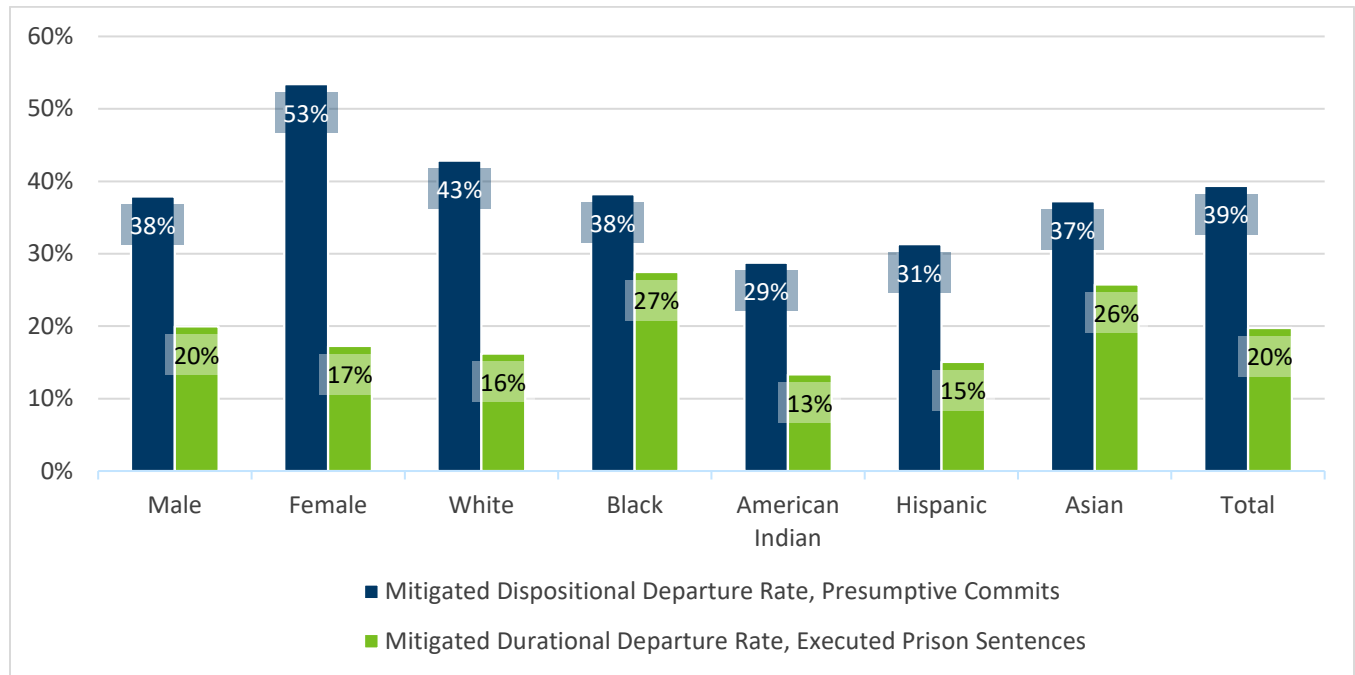
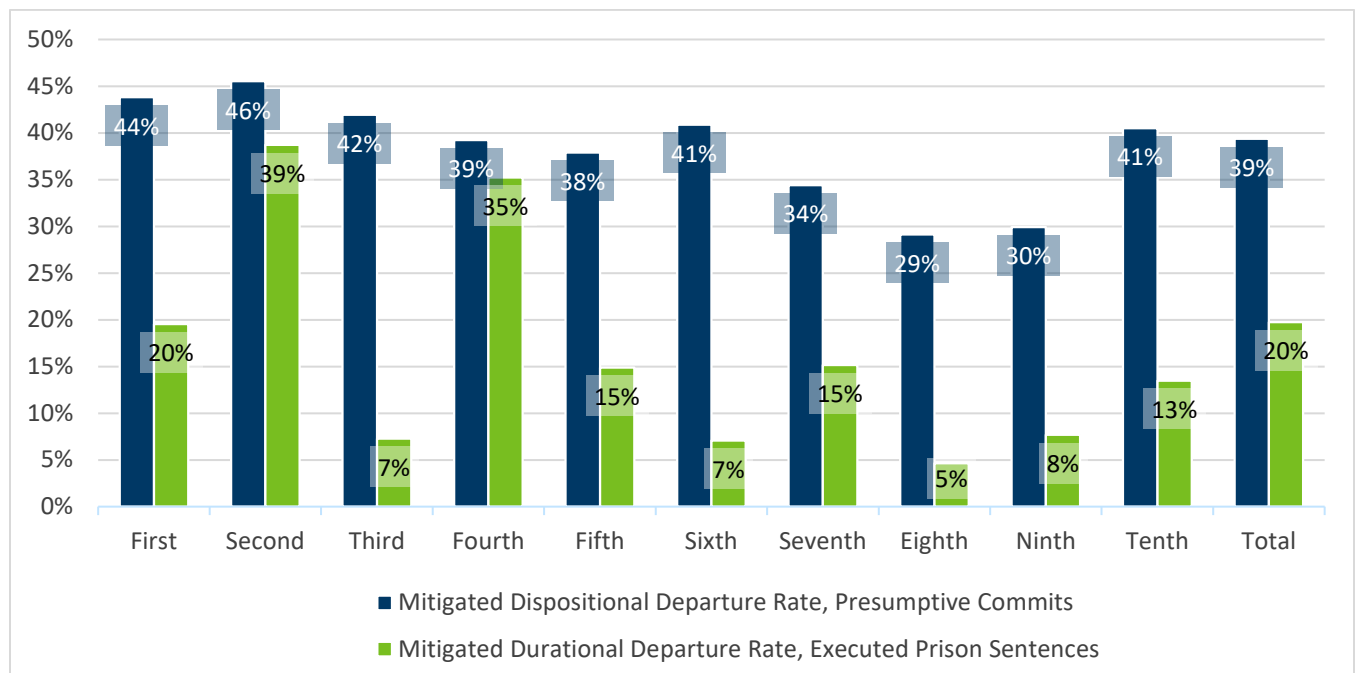


Figure 29. Mitigated Departure Rates by Minnesota Judicial District, 2022



Data Tables

Case Volume and Distribution Tables

Table 5. Annual Percent Change in Number of Cases Sentenced for Felony Convictions, 1981–2022

Year Sentenced	Cases Sentenced	Percent Change from Previous Year	Year Sentenced	Cases Sentenced	Percent Change from Previous Year
2022	16,259	+15%	2001	10,796	+4%
2021	14,429	+25%	2000	10,395	–2%
2020	11,517	–34%	1999	10,634	–2%
2019	17,335	–5%	1998	10,887	+11%
2018	18,284	0%	1997	9,847	+4%
2017	18,288	+8%	1996	9,480	+1%
2016	16,927	+1%	1995	9,421	–4%
2015	16,763	+4%	1994	9,787	+2%
2014	16,145	+5%	1993	9,637	+3%
2013	15,318	+1%	1992	9,325	+2%
2012	15,207	+4%	1991	9,161	+4%
2011	14,571	+2%	1990	8,844	+11%
2010	14,311	–4%	1989	7,974	+5%
2009	14,840	–4%	1988	7,572	+13%
2008	15,394	–5%	1987	6,674	+11%
2007	16,167	–2%	1986	6,032	–3%
2006	16,443	+6%	1985	6,236	+8%
2005	15,460	+5%	1984	5,792	+4%
2004	14,751	+2%	1983	5,562	–8%
2003	14,492	+12%	1982	6,066	+10%
2002	12,977	+20%	1981	5,500	N/A

Table 6. Cases Sentenced, Percent Change from Previous Year, by Offense Type, 2000–2022

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%
2022	+12.7%	+11.1%	+9.0%	+11.0%	+11.1%	+14.1%	+45.5%	+23.9%

Table 7. Volume of Cases by Offense Type, 1981–2022

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense ¹⁷		Weapon		Other ^{18, 19}		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2022	4,929	30.3	4,123	25.4	4,342	26.7	583	3.6	437	2.7	844	5.2	1,001	6.2	16,259
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
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

¹⁷ “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).

¹⁸ “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

¹⁹ “Other” includes non-CSC sex offenses and weapon offenses before 2011.

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense ¹⁷		Weapon		Other ^{18, 19}		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
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 8. Volume of Cases by Gender, 1981–2022

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
2022	16,259	13,237	81.4	3,022	18.6
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
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

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
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 9. Volume of Cases by Race/Ethnicity, 1981–2022

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		#	%	#	%	#	%	#	%	#	%	#	%
2022	16,259	9,025	55.5	4,309	26.5	1,508	9.3	925	5.7	488	3.0	4	0.0
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
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

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		#	%	#	%	#	%	#	%	#	%	#	%
1981	5,500	4,498	81.8	596	10.8	306	5.6	86	1.6	10	0.2	4	0.1

Table 10. Offense Type by Race, 2022

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Person Offenses	4,929	46.4%	34.7%	9.1%	7.5%	2.3%	0.0%
Accidents	4	75.0%	0.0%	0.0%	25.0%	0.0%	0.0%
Aggravated Robbery 1	142	19.0%	70.4%	5.6%	2.8%	2.1%	0.0%
Aggravated Robbery 2	28	35.7%	46.4%	10.7%	7.1%	0.0%	0.0%
Assault 1	52	32.7%	46.2%	13.5%	3.8%	3.8%	0.0%
Assault 2	323	39.0%	39.9%	10.2%	7.7%	3.1%	0.0%
Assault 3	320	45.9%	33.8%	11.9%	6.6%	1.6%	0.3%
Assault 4	234	41.5%	38.5%	14.5%	5.1%	0.4%	0.0%
Assault 5	68	42.6%	38.2%	17.6%	1.5%	0.0%	0.0%
Burglary 1 (severity=8)	53	47.2%	37.7%	9.4%	5.7%	0.0%	0.0%
Coercion	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Criminal Sexual Conduct (CSC) 1 st Degree	119	56.3%	20.2%	3.4%	16.8%	3.4%	0.0%
CSC 2 nd Degree	149	51.7%	10.7%	8.1%	26.8%	2.7%	0.0%
CSC 3 rd Degree	150	52.0%	24.7%	4.7%	12.7%	6.0%	0.0%
CSC 4 th Degree	70	58.6%	20.0%	2.9%	14.3%	4.3%	0.0%
CSC 5 th Degree	5	40.0%	40.0%	20.0%	0.0%	0.0%	0.0%
Criminal Vehicular Homicide	54	61.1%	25.9%	5.6%	5.6%	1.9%	0.0%
Crim. Vehicular Injury (severity=3)	88	62.5%	19.3%	6.8%	9.1%	2.3%	0.0%
Crim. Vehicular Injury (severity=5)	18	66.7%	22.2%	0.0%	5.6%	5.6%	0.0%
Domestic Assault	523	44.9%	35.4%	13.8%	5.2%	0.8%	0.0%
Dom. Aslt. Strangulation	199	46.7%	36.2%	5.0%	10.6%	1.5%	0.0%
Drive-by Shooting	22	31.8%	54.5%	9.1%	4.5%	0.0%	0.0%
False Imprisonment	7	28.6%	57.1%	0.0%	14.3%	0.0%	0.0%
Interference with Privacy	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Kidnapping(severity=8/9)	9	55.6%	33.3%	0.0%	11.1%	0.0%	0.0%
Kidnapping (severity=6)	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Malicious Punish. of Child	12	58.3%	8.3%	16.7%	8.3%	8.3%	0.0%

* Includes “unknown/other” race type.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
Manslaughter 1 (severity=9)	3	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
Manslaughter 2 (severity=8)	21	28.6%	52.4%	9.5%	4.8%	4.8%	0.0%
Murder 1	24	37.5%	54.2%	8.3%	0.0%	0.0%	0.0%
Murder 2 (severity=10)	39	33.3%	56.4%	2.6%	5.1%	2.6%	0.0%
Murder 2 (severity=11)	61	21.3%	65.6%	3.3%	6.6%	3.3%	0.0%
Murder 3 (severity=9/10)	21	38.1%	38.1%	4.8%	14.3%	4.8%	0.0%
Nonconsensual Dissemination of Private Sexual Images	10	60.0%	30.0%	0.0%	0.0%	10.0%	0.0%
Parental Rights	13	46.2%	30.8%	7.7%	15.4%	0.0%	0.0%
Prostitution	46	45.7%	23.9%	4.3%	15.2%	10.9%	0.0%
Simple Robbery	131	17.6%	63.4%	11.5%	6.1%	1.5%	0.0%
Solicit Minor for Sex	39	79.5%	7.7%	2.6%	7.7%	2.6%	0.0%
Stalking (severity=4)	21	85.7%	4.8%	0.0%	9.5%	0.0%	0.0%
Stalking (severity=5)	78	70.5%	19.2%	3.8%	3.8%	2.6%	0.0%
Terroristic Threats (severity=1, 2)	29	48.3%	37.9%	10.3%	3.4%	0.0%	0.0%
Terroristic Threats (severity=4)	783	48.9%	33.6%	7.7%	6.1%	3.7%	0.0%
Violate Restraining Order	926	49.9%	32.6%	9.8%	6.4%	1.3%	0.0%
Other Person Offenses**	17	47.1%	17.6%	23.5%	0.0%	11.8%	0.0%

(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	4,123	57.4%	26.1%	8.0%	4.1%	4.4%	0.0%
Arson 1	11	72.7%	18.2%	9.1%	0.0%	0.0%	0.0%
Arson 2	15	53.3%	13.3%	6.7%	20.0%	6.7%	0.0%
Arson 3	8	50.0%	25.0%	12.5%	0.0%	12.5%	0.0%
Burglary 1 (severity=6)	126	42.9%	42.1%	7.9%	4.0%	3.2%	0.0%
Burglary 2 (severity=4)	60	68.3%	23.3%	6.7%	0.0%	1.7%	0.0%
Burglary 2 (severity=5)	242	58.7%	23.1%	8.3%	5.8%	4.1%	0.0%
Burglary 3	413	64.6%	19.9%	10.2%	2.9%	2.4%	0.0%
Check Forgery (severity=1)	7	85.7%	14.3%	0.0%	0.0%	0.0%	0.0%
Check Forgery (severity=2)	202	66.3%	16.8%	10.4%	1.5%	5.0%	0.0%
Check Forgery (severity=3)	69	63.8%	24.6%	5.8%	4.3%	1.4%	0.0%
Check Forgery (severity=5)	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Counterfeit Check	32	78.1%	3.1%	9.4%	9.4%	0.0%	0.0%
Counterfeit Currency	17	52.9%	23.5%	5.9%	0.0%	17.6%	0.0%
Criminal Damage Property	216	50.5%	29.6%	6.9%	7.9%	5.1%	0.0%
Financial Transaction Card Fraud	207	53.6%	35.7%	6.8%	2.9%	1.0%	0.0%
Identity Theft	98	56.1%	36.7%	1.0%	4.1%	2.0%	0.0%
Issue Dishonored Check	49	71.4%	14.3%	4.1%	6.1%	4.1%	0.0%
Mail Theft	51	66.7%	19.6%	5.9%	5.9%	2.0%	0.0%
MV Use w/o Consent (severity=3)	502	54.8%	20.7%	12.4%	4.6%	7.6%	0.0%
Other Forgery	20	50.0%	20.0%	0.0%	30.0%	0.0%	0.0%
Poss. Shoplifting Gear	15	46.7%	33.3%	6.7%	0.0%	13.3%	0.0%
Possess Burglary Tools	126	54.8%	12.7%	4.8%	0.8%	27.0%	0.0%
Receiving Stolen Property	498	62.7%	18.3%	8.8%	5.4%	4.8%	0.0%
Theft	916	52.7%	35.2%	6.4%	2.9%	2.5%	0.2%
Theft from Person	33	30.3%	57.6%	3.0%	9.1%	0.0%	0.0%
Theft of a Firearm	22	81.8%	18.2%	0.0%	0.0%	0.0%	0.0%
Theft of MV (severity=4)	64	54.7%	35.9%	7.8%	1.6%	0.0%	0.0%
Theft Over \$35,000	33	51.5%	42.4%	0.0%	3.0%	3.0%	0.0%
Wrongful Obtain. Assist.	35	54.3%	31.4%	5.7%	5.7%	2.9%	0.0%
Other Property Offenses**	33	72.7%	12.1%	15.2%	0.0%	0.0%	0.0%

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

Table 11. Volume of Cases by Judicial District, 1981–2022

Year	Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
2022	2,372	1,506	1,198	2,815	1,025	725	1,802	514	1,702	2,600
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

Table 12. Sentencing Decisions by Offense Type, 2022

Offense Type	Cases	Presumptive Disposition		Dispositional Departure (presumptive stays)		Dispositional Departure (presumptive commits)		Presumptive Stay Cases Where Defendant Demanded Prison		Disposition Pronounced by the Court at Sentencing	
		Stay	Commit	None	Aggravated	None	Mitigated	None	Executed	Stay (Probation)	Commit (Prison)
Person	4,929	2,774	2,155	2,769	5	1,399	756	2,706	68	3,455	1,474
		56.3%	43.7%	99.8%	0.2%	64.9%	35.1%	97.5%	2.5%	70.1%	29.9%
Property	4,123	2,834	1,289	2,831	3	747	542	2,742	92	3,282	841
		68.7%	31.3%	99.9%	0.1%	58.0%	42.0%	96.8%	3.2%	79.6%	20.4%
Drug	4,342	3,096	1,246	3,087	9	728	518	2,943	153	3,457	885
		71.3%	28.7%	99.7%	0.3%	58.4%	41.6%	95.1%	4.9%	79.6%	20.4%
Non-CSC Sex Grid	437	90	347	90	0	188	159	89	1	248	189
		20.6%	79.4%	100.0%	0.0%	54.2%	45.8%	98.9%	1.1%	56.8%	43.2%
Felony DWI	583	235	348	235	0	181	167	233	2	401	182
		40.3%	59.7%	100.0%	0.0%	52.0%	48.0%	99.1%	0.9%	68.8%	31.2%
Weapons	844	158	686	158	0	418	268	153	5	422	422
		18.7%	81.3%	100.0%	0.0%	60.9%	39.1%	96.8%	3.2%	50.0%	50.0%
Other	1,001	824	177	824	0	128	49	786	38	835	166
		82.3%	17.7%	100.0%	0.0%	72.3%	27.7%	95.4%	4.6%	83.4%	16.6%
All Felonies	16,259	10,011	6,248	9,994	17	3,789	2,459	9,652	359	12,100	4,159
		61.6%	38.4%	99.8%	0.2%	60.6%	39.4%	96.4%	3.6%	74.4%	25.6%

Note: Due to a data anomaly, this table overstates both presumptive commitments and mitigated dispositional departures by six cases. See footnote 12 (p. 25).

How to read Table 13: 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 13. Volume of Cases by Severity-Level Group & Criminal-History Group, 1978, 1981–2022

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
2022	11,551	71.0	3,179	19.6	1,526	9.4	5,369	33.0	5,753	35.4	5,137	31.6
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

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
1991	6,711	73.3	1,671	18.2	779	8.5	4,775	52.1	3,039	33.2	1,347	14.7
1990	6,281	71.0	1,774	20.1	789	8.9	4,594	51.9	3,015	34.1	1,235	14.0
1989	5,612	70.4	1,723	21.6	639	8.0	3,989	50.0	2,704	33.9	1,281	16.1
1988	5,402	71.3	1,611	21.3	559	7.4	3,849	50.8	2,493	32.9	1,230	16.2
1987	4,863	72.9	1,356	20.3	455	6.8	3,372	50.5	2,234	33.5	1,068	16.0
1986	4,502	74.6	1,114	18.5	416	6.9	3,149	52.2	2,025	33.6	858	14.2
1985	4,514	72.4	1,245	20.0	477	7.6	3,243	52.0	2,076	33.4	917	14.7
1984	4,211	72.7	1,122	19.4	459	7.9	3,111	53.7	1,950	33.7	731	12.6
1983	4,413	79.3	757	13.6	392	7.0	2,964	53.3	1,871	33.6	727	13.1
1982	4,896	80.7	735	12.1	435	7.2	3,545	58.4	1,812	29.9	709	11.7
1981	4,487	81.6	644	11.7	369	6.7	3,399	61.8	1,650	30.0	451	8.2
1978	3,406	78.0	609	13.9	355	8.1	2,554	58.5	1,505	34.4	309	7.1

How to read tables 14, 15, & 16: The format of these tables mirrors the format 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 2022, 557 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, 44.5 percent had a Criminal History Score of 0 (the row percent). Of the cases at a Criminal History Score of 0, 15.2 percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2022, 979 cases were sentenced using the Sex Offender Grid. Those cases are excluded from the Standard Grid and Drug Offender Grid.

The Drug Offender Grid went into effect August 1, 2016. In 2022, 4,309 cases were sentenced using the Drug Offender Grid. Those cases are excluded from the Standard Grid and Sex Offender Grid.

Table 14. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Standard Grid, 2022

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Murder 1	7	1	3	2	0	4	7	24
	29.2%	4.2%	12.5%	8.3%	0.0%	16.7%	29.2%	100.0%
	0.2%	0.1%	0.2%	0.2%	0.0%	0.5%	0.4%	0.2%
Severity Level 11	27	7	5	8	1	4	9	61
	44.3%	11.5%	8.2%	13.1%	1.6%	6.6%	14.8%	100.0%
	0.7%	0.5%	0.4%	0.7%	0.1%	0.5%	0.5%	0.6%
Severity Level 10	17	5	2	6	4	5	2	41
	41.5%	12.2%	4.9%	14.6%	9.8%	12.2%	4.9%	100.0%
	0.5%	0.4%	0.2%	0.5%	0.4%	0.6%	0.1%	0.4%
Severity Level 9	45	7	12	7	5	3	8	87
	51.7%	8.0%	13.8%	8.0%	5.7%	3.4%	9.2%	100.0%
	1.2%	0.5%	1.0%	0.6%	0.5%	0.4%	0.4%	0.8%
Severity Level 8	146	45	44	30	23	28	42	358
	40.8%	12.6%	12.3%	8.4%	6.4%	7.8%	11.7%	100.0%
	4.0%	3.3%	3.5%	2.5%	2.5%	3.5%	2.3%	3.3%
Severity Level 7	176	95	89	66	57	50	61	594
	29.6%	16.0%	15.0%	11.1%	9.6%	8.4%	10.3%	100.0%
	4.8%	7.0%	7.2%	5.6%	6.2%	6.2%	3.4%	5.4%
Severity Level 6	297	158	164	165	107	96	208	1,195
	24.9%	13.2%	13.7%	13.8%	9.0%	8.0%	17.4%	100.0%
	8.1%	11.7%	13.2%	13.9%	11.7%	12.0%	11.6%	10.9%
Severity Level 5	221	69	60	41	30	33	84	538
	41.1%	12.8%	11.2%	7.6%	5.6%	6.1%	15.6%	100.0%
	6.0%	5.1%	4.8%	3.5%	3.3%	4.1%	4.7%	4.9%
Severity Level 4	1,099	426	407	431	330	268	533	3,494
	31.5%	12.2%	11.6%	12.3%	9.4%	7.7%	15.3%	100.0%
	29.9%	31.5%	32.8%	36.3%	35.9%	33.5%	29.7%	31.9%
Severity Level 3	450	171	143	140	90	108	303	1,405
	32.0%	12.2%	10.2%	10.0%	6.4%	7.7%	21.6%	100.0%
	12.3%	12.6%	11.5%	11.8%	9.8%	13.5%	16.9%	12.8%
Severity Level 2	628	230	204	183	174	128	371	1,918
	32.7%	12.0%	10.6%	9.5%	9.1%	6.7%	19.3%	100.0%
	17.1%	17.0%	16.4%	15.4%	19.0%	16.0%	20.7%	17.5%
Severity Level 1	557	138	109	109	97	74	167	1,251
	44.5%	11.0%	8.7%	8.7%	7.8%	5.9%	13.3%	100.0%
	15.2%	10.2%	8.8%	9.2%	10.6%	9.2%	9.3%	11.4%
Column Total	3,670	1,352	1,242	1,188	918	801	1,795	10,966
	33.5%	12.3%	11.3%	10.8%	8.4%	7.3%	16.4%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 15. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Sex Offender Grid, 2022

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level A	71	14	2	13	2	1	11	114
	62.3%	12.3%	1.8%	11.4%	1.8%	0.9%	9.6%	100.0%
	17.1%	13.5%	2.3%	12.7%	2.5%	1.8%	8.3%	11.6%
Severity Level B	22	1	3	1	0	0	4	31
	71.0%	3.2%	9.7%	3.2%	0.0%	0.0%	12.9%	100.0%
	5.3%	1.0%	3.4%	1.0%	0.0%	0.0%	3.0%	3.2%
Severity Level C	57	3	8	4	8	2	7	89
	64.0%	3.4%	9.0%	4.5%	9.0%	2.2%	7.9%	100.0%
	13.7%	2.9%	9.1%	3.9%	9.9%	3.5%	5.3%	9.1%
Severity Level D	123	24	10	11	7	5	8	188
	65.4%	12.8%	5.3%	5.9%	3.7%	2.7%	4.3%	100.0%
	29.6%	23.1%	11.4%	10.8%	8.6%	8.8%	6.1%	19.2%
Severity Level E	39	13	8	5	5	3	3	76
	51.3%	17.1%	10.5%	6.6%	6.6%	3.9%	3.9%	100.0%
	9.4%	12.5%	9.1%	4.9%	6.2%	5.3%	2.3%	7.8%
Severity Level F	27	3	4	8	3	1	11	57
	47.4%	5.3%	7.0%	14.0%	5.3%	1.8%	19.3%	100.0%
	6.5%	2.9%	4.5%	7.8%	3.7%	1.8%	8.3%	5.8%
Severity Level G	56	14	13	15	5	8	16	127
	44.1%	11.0%	10.2%	11.8%	3.9%	6.3%	12.6%	100.0%
	13.5%	13.5%	14.8%	14.7%	6.2%	14.0%	12.1%	13.0%
Severity Level H	17	32	40	45	51	37	72	294
	5.8%	10.9%	13.6%	15.3%	17.3%	12.6%	24.5%	100.0%
	4.1%	30.8%	45.5%	44.1%	63.0%	64.9%	54.5%	30.0%
Severity Level I	3	0	0	0	0	0	0	3
	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	0.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%
Column Total	415	104	88	102	81	57	132	979
	42.4%	10.6%	9.0%	10.4%	8.3%	5.8%	13.5%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 16. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Drug Offender Grid, 2022

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level D9	5	1	1	1	0	2	1	11
	45.5%	9.1%	9.1%	9.1%	0.0%	18.2%	9.1%	100.0%
	0.4%	0.2%	0.2%	0.2%	0.0%	0.7%	0.2%	0.3%
Severity Level D8	99	36	54	34	42	24	81	370
	26.8%	9.7%	14.6%	9.2%	11.4%	6.5%	21.9%	100.0%
	7.7%	5.7%	9.5%	7.1%	10.0%	7.8%	13.0%	8.6%
Severity Level D7	120	46	30	30	31	26	57	340
	35.3%	13.5%	8.8%	8.8%	9.1%	7.6%	16.8%	100.0%
	9.3%	7.3%	5.3%	6.3%	7.3%	8.5%	9.1%	7.9%
Severity Level D6	187	73	75	54	57	43	98	587
	31.9%	12.4%	12.8%	9.2%	9.7%	7.3%	16.7%	100.0%
	14.6%	11.6%	13.2%	11.3%	13.5%	14.0%	15.7%	13.6%
Severity Level D5	0	0	1	0	0	0	0	1
	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	0.0%	0.0%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%
Severity Level D4	17	7	8	5	6	4	3	50
	34.0%	14.0%	16.0%	10.0%	12.0%	8.0%	6.0%	100.0%
	1.3%	1.1%	1.4%	1.0%	1.4%	1.3%	0.5%	1.2%
Severity Level D3	29	8	5	2	2	0	3	49
	59.2%	16.3%	10.2%	4.1%	4.1%	0.0%	6.1%	100.0%
	2.3%	1.3%	0.9%	0.4%	0.5%	0.0%	0.5%	1.1%
Severity Level D2	823	459	394	352	282	207	381	2,898
	28.4%	15.8%	13.6%	12.1%	9.7%	7.1%	13.1%	100.0%
	64.1%	72.9%	69.4%	73.5%	66.8%	67.4%	61.1%	67.2%
Severity Level D1	4	0	0	1	2	1	0	8
	50.0%	0.0%	0.0%	12.5%	25.0%	12.5%	0.0%	100.0%
	0.3%	0.0%	0.0%	0.2%	0.5%	0.3%	0.0%	0.2%
Column Total	1284	630	568	479	422	307	624	4,314
	29.8%	14.6%	13.2%	11.1%	9.8%	7.1%	14.5%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Incarceration Tables

Table 17. Incarceration Rates by Sex, Race/Ethnicity, & Judicial District, 2022

		Total Number	Total Incarceration*		Local Confinement		State Prison			
			Number	Rate (%)	Number	Rate (%)	Number	2022 Rate (%)	2017–21 5-Yr. Rate	2018–22 5-Yr. Rate
	Male	13,237	11,509	86.9	7686	58.1	3,823	28.9	26.4	26.7
	Female	3,022	2,389	79.1	2053	67.9	336	11.1	9.9	9.9
Race & Ethnicity	White	9,025	7,625	84.5	5596	62.0	2,029	22.5	20.4	20.6
	Black	4,309	3,723	86.4	2401	55.7	1,322	30.7	28.6	28.8
	American Indian	1,508	1293	85.7	873	57.9	420	27.9	24.3	24.3
	Hispanic	925	829	89.6	577	62.4	252	27.2	26.2	26.2
	Asian	488	428	87.7	292	59.8	136	27.9	21.3	22.4
	Other/Unknown	4	0	0.0	0	0.0	0	0.0	11.0	0.0
Judicial District	First	2,372	2,001	84.4	1,510	63.7	491	20.7	19.1	19.2
	Second	1,506	1,443	95.8	986	65.5	457	30.3	23.6	24.5
	Third	1,198	939	78.4	623	52.0	316	26.4	24.1	24.2
	Fourth	2,815	2,229	79.2	1,431	50.8	798	28.3	25.3	25.7
	Fifth	1,025	898	87.6	656	64.0	242	23.6	20.7	21.3
	Sixth	725	617	85.1	433	59.7	184	25.4	21.1	21.0
	Seventh	1,802	1,643	91.2	1,141	63.3	502	27.9	26.7	26.7
	Eighth	514	482	93.8	353	68.7	129	25.1	24.2	23.8
	Ninth	1,702	1,314	77.2	845	49.6	469	27.6	25.6	25.9
	Tenth	2,600	2,332	89.7	1,761	67.7	571	22.0	20.6	20.9
Total		16,259	13,898	85.5	9,739	59.9	4,159	25.6	23.2	23.4

* "Total Incarceration" includes all sentences that included a prison sentences or local confinement time as a condition of a stayed sentence post-sentence.

Table 18. Volume of Cases Sentenced & Incarceration Rates by County, 2022

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2021	2022	Percent Change	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	91	85	−6.6	15	17.6	59	69.4	74	87.1
Anoka	676	833	23.2	178	21.4	556	66.7	734	88.1
Becker	213	148	−30.5	40	27.0	106	71.6	146	98.6
Beltrami	202	241	19.3	61	25.3	166	68.9	227	94.2
Benton	128	160	25.0	44	27.5	110	68.8	154	96.3
Big Stone	15	15	0.0	4	26.7	11	73.3	15	100.0
Blue Earth	245	233	−4.9	73	31.3	136	58.4	209	89.7
Brown	68	74	8.8	23	31.1	40	54.1	63	85.1
Carlton	99	87	−12.1	26	29.9	42	48.3	68	78.2
Carver	135	143	5.9	37	25.9	63	44.1	100	69.9
Cass	147	156	6.1	52	33.3	61	39.1	113	72.4
Chippewa	51	48	−5.9	16	33.3	28	58.3	44	91.7
Chisago	105	134	27.6	30	22.4	99	73.9	129	96.3
Clay	292	293	0.3	80	27.3	201	68.6	281	95.9
Clearwater	15	39	160.0	13	33.3	23	59.0	36	92.3
Cook	0	7	--	3	42.9	4	57.1	7	100.0
Cottonwood	34	35	2.9	4	11.4	22	62.9	26	74.3
Crow Wing	222	313	41.0	60	19.2	87	27.8	147	47.0
Dakota	1,057	1,187	12.3	243	20.5	759	63.9	1,002	84.4
Dodge	35	45	28.6	13	28.9	24	53.3	37	82.2
Douglas	100	111	11.0	28	25.2	81	73.0	109	98.2
Faribault	35	42	20.0	9	21.4	32	76.2	41	97.6
Fillmore	24	30	25.0	4	13.3	21	70.0	25	83.3
Freeborn	98	115	17.3	28	24.3	73	63.5	101	87.8
Goodhue	198	182	−8.1	35	19.2	137	75.3	172	94.5
Grant	15	15	0.0	2	13.3	13	86.7	15	100.0
Hennepin	2,541	2,815	10.8	798	28.3	1,431	50.8	2,229	79.2
Houston	9	9	0.0	4	44.4	2	22.2	6	66.7
Hubbard	62	157	153.2	39	24.8	106	67.5	145	92.4
Isanti	128	115	−10.2	29	25.2	80	69.6	109	94.8
Itasca	209	205	−1.9	46	22.4	132	64.4	178	86.8
Jackson	30	14	−53.3	4	28.6	9	64.3	13	92.9
Kanabec	60	86	43.3	11	12.8	65	75.6	76	88.4
Kandiyohi	156	148	−5.1	38	25.7	105	70.9	143	96.6
Kittson	5	1	−80.0	0	0.0	1	100.0	1	100.0
Koochiching	41	47	14.6	6	12.8	21	44.7	27	57.4
Lac Qui Parle	16	19	18.8	3	15.8	13	68.4	16	84.2
Lake	18	18	0.0	3	16.7	6	33.3	9	50.0

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2021	2022	Percent Change	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Lake of the Woods	8	8	0.0	0	0.0	8	100.0	8	100.0
Le Sueur	40	60	50.0	12	20.0	40	66.7	52	86.7
Lincoln	3	8	166.7	0	0.0	6	75.0	6	75.0
Lyon	77	92	19.5	22	23.9	66	71.7	88	95.7
McLeod	109	117	7.3	18	15.4	90	76.9	108	92.3
Mahnomen	76	87	14.5	30	34.5	36	41.4	66	75.9
Marshall	7	15	114.3	6	40.0	3	20.0	9	60.0
Martin	96	111	15.6	21	18.9	80	72.1	101	91.0
Meeker	57	52	-8.8	12	23.1	36	69.2	48	92.3
Mille Lacs	118	173	46.6	44	25.4	104	60.1	148	85.5
Morrison	104	99	-4.8	28	28.3	69	69.7	97	98.0
Mower	135	184	36.3	69	37.5	35	19.0	104	56.5
Murray	18	14	-22.2	5	35.7	6	42.9	11	78.6
Nicollet	74	73	-1.4	22	30.1	30	41.1	52	71.2
Nobles	114	131	14.9	26	19.8	83	63.4	109	83.2
Norman	16	13	-18.8	3	23.1	5	38.5	8	61.5
Olmsted	248	317	27.8	84	26.5	148	46.7	232	73.2
Otter Tail	245	189	-22.9	36	19.0	117	61.9	153	81.0
Pennington	74	41	-44.6	13	31.7	5	12.2	18	43.9
Pine	175	159	-9.1	37	23.3	93	58.5	130	81.8
Pipestone	36	50	38.9	6	12.0	37	74.0	43	86.0
Polk	282	262	-7.1	120	45.8	115	43.9	235	89.7
Pope	16	5	-68.8	2	40.0	2	40.0	4	80.0
Ramsey	1,352	1,506	11.4	457	30.3	986	65.5	1,443	95.8
Red Lake	6	7	16.7	1	14.3	4	57.1	5	71.4
Redwood	94	90	-4.3	19	21.1	65	72.2	84	93.3
Renville	44	78	77.3	20	25.6	47	60.3	67	85.9
Rice	117	175	49.6	34	19.4	123	70.3	157	89.7
Rock	11	14	27.3	0	0.0	12	85.7	12	85.7
Roseau	27	25	-7.4	4	16.0	13	52.0	17	68.0
St. Louis	585	613	4.8	152	24.8	381	62.2	533	86.9
Scott	486	654	34.6	139	21.3	400	61.2	539	82.4
Sherburne	255	320	25.5	70	21.9	228	71.3	298	93.1
Sibley	36	29	-19.4	7	24.1	21	72.4	28	96.6
Stearns	403	543	34.7	180	33.1	294	54.1	474	87.3
Steele	97	119	22.7	40	33.6	72	60.5	112	94.1
Stevens	16	14	-12.5	3	21.4	10	71.4	13	92.9
Swift	42	30	-28.6	7	23.3	22	73.3	29	96.7
Todd	37	28	-24.3	4	14.3	22	78.6	26	92.9
Traverse	19	12	-36.8	2	16.7	10	83.3	12	100.0

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
				Prison		Local Confinement			
	2021	2022	Percent Change	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Wabasha	40	55	37.5	13	23.6	23	41.8	36	65.5
Wadena	53	58	9.4	18	31.0	37	63.8	55	94.8
Waseca	56	50	-10.7	7	14.0	36	72.0	43	86.0
Washington	419	597	42.5	129	21.6	408	68.3	537	89.9
Watonwan	29	44	51.7	8	18.2	32	72.7	40	90.9
Wilkin	39	40	2.6	7	17.5	32	80.0	39	97.5
Winona	96	99	3.1	20	20.2	66	66.7	86	86.9
Wright	321	356	10.9	87	24.4	232	65.2	319	89.6
Yellow Medicine	46	38	-17.4	13	34.2	24	63.2	37	97.4
Total	14,429	16,259	12.7	4,159	25.6	9,739	59.9	13,898	85.5

How to read Table 19: 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 13,237 males sentenced in 2022, 57.4 percent received incarceration in a local correctional facility as a condition of a stayed sentence.

Table 19. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender, 1978, 1981–2022

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
2022	16,259	9,623	59.2	57.4	67.1
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
1986	6,032	3,298	54.7	57.5	39.5

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
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

Table 20. Incarceration in Local Correctional Facilities by Race/Ethnicity, 1978, 1981–2022

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
2022	16,259	9,739	59.9	62.0	55.7	57.9	62.4	59.8	0.0
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
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

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
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

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 2,815 cases sentenced in the Fourth Judicial District in 2022, 50.8 percent received a sentence including incarceration in a local correctional facility.

Table 21. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981–2022

Year	Incarceration Rate (%) by Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
2022	63.7	65.5	52.0	50.8	64.0	59.7	63.3	68.7	49.6	67.7
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
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

Year	Incarceration Rate (%) by Judicial District									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
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

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 13,237 males sentenced in 2022, 42.8 percent had a presumptive prison disposition and 28.9 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 22. Presumptive and Actual Imprisonment Rates by Gender, 1978, 1981–2022

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
2022	16,259	38.4	4,159	25.6	42.8	28.9	19.5	11.1
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
1990	8,844	25.0	1,725	19.5	27.6	21.9	11.4	7.6
1989	7,974	25.5	1,752	22.0	28.2	24.2	11.6	10.7

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

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 9,025 people sentenced in 2022 who are white, 34.9 percent had a presumptive prison disposition and 22.5 percent received a sentence of imprisonment.

Table 23. Presumptive and Actual Imprisonment Rate by Race/Ethnicity, 1978, 1981–2022

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
2022	34.9	22.5	47.4	30.7	35.3	27.9	35.6	27.2	40.2	27.9	0.0	0.0
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
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

* 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
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

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 2,815 cases sentenced in the Fourth Judicial District in 2022, 45.2 percent had a recommended prison disposition and 28.3 percent received a sentence of incarceration in a state prison.

Table 24. Presumptive and Actual Imprisonment Rates by Minnesota Judicial District, 1978, 1981–2022

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.
2022	32.3	20.7	52.7	30.3	40.4	26.4	45.2	28.3	33.5	23.6	40.1	25.4	37.4	27.9	30.7	25.1	33.8	27.6	34.3	22.0
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

Table 25. Average Pronounced Prison Duration, Executed Sentences Only, 1981–2022

Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)
2022	49.4	1985	38.4
2021	54.0	1984	36.2
2020	50.6	1983	36.5
2019	48.4	1982	41.0
2018	47.1	1981	38.3
2017	46.0		
2016	46.3		
2015	45.0		
2014	45.5		
2013	45.2		
2012	47.3		
2011	45.6		
2010	46.5		
2009	42.8		
2008	45.0		
2007	44.8		
2006	44.8		
2005	45.7		
2004	45.1		
2003	51.2		
2002	47.2		
2001	49.8		
2000	49.7		
1999	47.9		
1998	47.0		
1997	44.5		
1996	47.4		
1995	48.5		
1994	51.3		
1993	46.9		
1992	48.6		
1991	45.2		
1990	45.7		
1989	37.7		
1988	38.1		
1987	36.3		
1986	35.4		

Table 26. Average Local Confinement, 1981–2022

Year	Local Confinement (in days)	Year	Local Confinement (in days)
2022	88	1985	120
2021	87	1984	126
2020	90	1983	132
2019	92	1982	144
2018	95	1981	166
2017	96		
2016	106		
2015	105		
2014	107		
2013	110		
2012	107		
2011	109		
2010	109		
2009	111		
2008	110		
2007	110		
2006	107		
2005	109		
2004	112		
2003	112		
2002	106		
2001	105		
2000	104		
1999	103		
1998	107		
1997	107		
1996	107		
1995	108		
1994	113		
1993	112		
1992	109		
1991	106		
1990	110		
1989	110		
1988	108		
1987	116		
1986	113		

Departures Tables

Table 27. Dispositional Departures by Gender, Race, & Judicial District, 2022

		Total Number	Total Dispositional Departure Rate (%)	All Cases by Dispositional Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	13,237	16.3	11,078	83.7	14	0.1	2,145	16.2
	Female	3,022	10.5	2,705	89.5	3	0.1	314	10.4
Race/Ethnicity	White	9,025	15.0	7,663	84.9	13	0.1	1,349	14.9
	Black	4,309	18.1	3,527	81.9	1	0.0	781	18.1
	American Indian	1,508	10.2	1,354	89.8	1	0.1	153	10.1
	Hispanic	925	11.3	820	88.6	2	0.2	103	11.1
	Asian	488	15.0	415	85.0	0	---	73	15.0
	Other/ Unknown	4	0.0	4	100.0	0	---	0	---
Judicial District	First	2,372	14.3	2,033	85.7	3	0.1	336	14.2
	Second	1,506	24.1	1,144	76.0	1	0.1	361	24.0
	Third	1,198	17.1	993	82.9	2	0.2	203	16.9
	Fourth	2,815	17.8	2,314	82.2	2	0.1	499	17.7
	Fifth	1,025	12.9	893	87.1	2	0.2	130	12.7
	Sixth	725	16.5	605	83.4	1	0.1	119	16.4
	Seventh	1,802	13.0	1,569	87.1	1	0.1	232	12.9
	Eighth	514	8.9	468	91.1	0	---	46	8.9
	Ninth	1,702	10.2	1,528	89.8	2	0.1	172	10.1
	Tenth	2,600	13.4	2,236	86.0	3	0.1	361	13.9
	Total	16,259	15.2	13,783	84.8	17	0.1	2,459	15.1

Table 28. Dispositional Departures by Presumptive Disposition, by Sex, Race, & Judicial District, 2022

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2022 Rate (%)	2018–22 5-Yr. Rate
	Male	13,237	7,577	14	0.2	5,660	2,145	37.9	39.2
	Female	3,022	2,434	3	0.1	588	314	53.4	57.6
Race/Ethnicity	White	9,025	5,878	13	0.2	3,147	1,349	42.9	44.0
	Black	4,309	2,265	1	0.0	2,044	781	38.2	38.9
	American Indian	1,508	976	1	0.1	532	153	28.8	33.2
	Hispanic	925	596	2	0.3	329	103	31.3	34.8
	Asian	488	292	0	0.0	196	73	37.2	43.1
	Other/Unknown	4	4	0	0.0	0	---	---	---
Judicial District	First	2,372	1,605	3	0.2	767	336	43.8	42.0
	Second	1,506	713	1	0.1	793	361	45.5	49.9
	Third	1,198	714	2	0.3	484	203	41.9	43.2
	Fourth	2,815	1,543	2	0.1	1,272	499	39.2	39.0
	Fifth	1,025	682	2	0.3	343	130	37.9	40.8
	Sixth	725	434	1	0.2	291	119	40.9	47.2
	Seventh	1,802	1,128	1	0.1	674	232	34.4	33.8
	Eighth	514	356	0	0.0	158	46	29.1	31.1
	Ninth	1,702	1,127	2	0.2	575	172	29.9	33.8
	Tenth	2,600	1,709	3	0.2	891	361	40.5	43.6
	Total	16,259	10,011	17	0.2	6,248	2,459	39.4	40.9

Table 29. Dispositional Departure Rates by County, 2022

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Aitkin	85	73	85.9	61	0	0.0	24	12	50.0
Anoka	833	692	83.1	526	2	0.4	307	139	45.3
Becker	148	137	92.6	102	0	0.0	46	11	23.9
Beltrami	241	227	94.2	172	0	0.0	69	14	20.3
Benton	160	146	91.3	107	0	0.0	53	14	26.4
Big Stone	15	11	73.3	7	0	0.0	8	4	50.0
Blue Earth	233	213	91.4	145	0	0.0	88	20	22.7
Brown	74	66	89.2	46	0	0.0	28	8	28.6
Carlton	87	78	89.7	53	0	0.0	34	9	26.5
Carver	143	128	89.5	94	0	0.0	49	15	30.6
Cass	156	149	95.5	103	0	0.0	53	7	13.2
Chippewa	48	45	93.8	31	0	0.0	17	3	17.6
Chisago	134	116	86.6	90	0	0.0	44	18	40.9
Clay	293	272	92.8	205	1	0.5	88	20	22.7
Clearwater	39	37	94.9	25	0	0.0	14	2	14.3
Cook	7	5	71.4	2	0	0.0	5	2	40.0
Cottonwood	35	24	68.6	22	1	4.5	13	10	76.9
Crow Wing	313	255	81.5	205	0	0.0	108	58	53.7
Dakota	1,187	1005	84.7	790	2	0.3	397	180	45.3
Dodge	45	37	82.2	27	0	0.0	18	8	44.4
Douglas	111	104	93.7	81	0	0.0	30	7	23.3
Faribault	42	39	92.9	31	0	0.0	11	3	27.3
Fillmore	30	23	76.7	20	0	0.0	10	7	70.0
Freeborn	115	104	90.4	81	1	1.2	34	10	29.4
Goodhue	182	146	80.2	118	1	0.8	64	35	54.7
Grant	15	14	93.3	12	0	0.0	3	1	33.3
Hennepin	2,815	2,314	82.2	1,543	2	0.1	1,272	499	39.2
Houston	9	7	77.8	3	0	0.0	6	2	33.3
Hubbard	157	153	97.5	117	0	0.0	40	4	10.0
Isanti	115	101	87.8	74	0	0.0	41	14	34.1
Itasca	205	168	82.0	126	0	0.0	79	37	46.8
Jackson	14	7	50.0	4	0	0.0	10	7	70.0
Kanabec	86	78	90.7	68	0	0.0	18	8	44.4
Kandiyohi	148	141	95.3	106	0	0.0	42	7	16.7
Kittson	1	1	100.0	1	0	0.0	0	0	
Koochiching	47	44	93.6	39	0	0.0	8	3	37.5
Lac Qui Parle	19	17	89.5	15	0	0.0	4	2	50.0
Lake	18	15	83.3	12	0	0.0	6	3	50.0
Lake of the Woods	8	6	75.0	6	0	0.0	2	2	100.0
Le Sueur	60	46	76.7	36	0	0.0	24	14	58.3
Lincoln	8	6	75.0	6	0	0.0	2	2	100.0
Lyon	92	75	81.5	53	0	0.0	39	17	43.6
McLeod	117	99	84.6	83	0	0.0	34	18	52.9

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Mahnomen	87	74	85.1	45	0	0.0	42	13	31.0
Marshall	15	14	93.3	9	0	0.0	6	1	16.7
Martin	111	96	86.5	76	0	0.0	35	15	42.9
Meeker	52	47	90.4	35	0	0.0	17	5	29.4
Mille Lacs	173	142	82.1	102	0	0.0	71	31	43.7
Morrison	99	82	82.8	58	0	0.0	41	17	41.5
Mower	184	167	90.8	100	0	0.0	84	17	20.2
Murray	14	13	92.9	9	0	0.0	5	1	20.0
Nicollet	73	60	82.2	45	1	2.2	28	12	42.9
Nobles	131	121	92.4	98	0	0.0	33	10	30.3
Norman	13	11	84.6	9	0	0.0	4	2	50.0
Olmsted	317	240	75.7	161	0	0.0	156	77	49.4
Otter Tail	189	153	81.0	120	0	0.0	69	36	52.2
Pennington	41	36	87.8	24	0	0.0	17	5	29.4
Pine	159	139	87.4	105	0	0.0	54	20	37.0
Pipestone	50	42	84.0	37	0	0.0	13	8	61.5
Polk	262	249	95.0	157	2	1.3	105	11	10.5
Pope	5	5	100.0	3	0	0.0	2	0	0.0
Ramsey	1,506	1144	76.0	713	1	0.1	793	361	45.5
Red Lake	7	7	100.0	6	0	0.0	1	0	0.0
Redwood	90	84	93.3	68	0	0.0	22	6	27.3
Renville	78	68	87.2	52	0	0.0	26	10	38.5
Rice	175	148	84.6	122	0	0.0	53	27	50.9
Rock	14	12	85.7	12	0	0.0	2	2	100.0
Roseau	25	24	96.0	22	0	0.0	3	1	33.3
St. Louis	613	507	82.7	367	1	0.3	246	105	42.7
Scott	654	582	89.0	462	0	0.0	192	72	37.5
Sherburne	320	283	88.4	222	1	0.5	98	36	36.7
Sibley	29	27	93.1	22	0	0.0	7	2	28.6
Stearns	543	453	83.4	293	0	0.0	250	90	36.0
Steele	119	104	87.4	70	1	1.4	49	14	28.6
Stevens	14	12	85.7	10	0	0.0	4	2	50.0
Swift	30	23	76.7	18	0	0.0	12	7	58.3
Todd	28	27	96.4	24	0	0.0	4	1	25.0
Traverse	12	12	100.0	10	0	0.0	2	0	0.0
Wabasha	55	45	81.8	37	0	0.0	18	10	55.6
Wadena	58	53	91.4	36	0	0.0	22	5	22.7
Waseca	50	41	82.0	34	0	0.0	16	9	56.3
Washington	597	505	84.6	383	0	0.0	214	92	43.0
Watonwan	44	35	79.5	30	0	0.0	14	9	64.3
Wilkin	40	36	90.0	29	0	0.0	11	4	36.4
Winona	99	77	77.8	59	0	0.0	40	22	55.0
Wright	356	322	90.4	241	0	0.0	115	34	29.6
Yellow Medicine	38	37	97.4	28	0	0.0	10	1	10.0
Total	16,259	13,783	84.8	10,011	17	0.2	6,248	2,459	39.4

Table 30. *Durational Departures, 1981–2022*

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
2022	16,259	16.2	13,624	83.8	527 ²⁰	3.2	2,108	13.0
2021	14,429	15.6	12,182	84.4	424 ²¹	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
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

²⁰ This includes 289 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 1.8 percent of the 2022 cases.

²¹ 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 (%)
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 31. Durational Departures by Gender, Race, & Judicial District, 2022

		Total Number	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	13,237	16.2	11,094	83.8	417	3.2	1,726	13.3
	Female	3,022	16.3	2,530	83.7	110	3.6	382	12.6
Race/Ethnicity	White	9,025	14.2	7,748	85.9	323	3.6	954	10.6
	Black	4,309	21.5	3,382	78.5	101	2.3	826	19.2
	American Indian	1,508	12.0	1,327	88.0	54	3.6	127	8.4
	Hispanic	925	16.4	773	83.6	35	3.8	117	12.6
	Asian	488	19.7	392	80.3	14	2.9	82	16.8
	Other/ Unknown	4	50.0	2	50.0	0	---	2	50.0
Judicial District	First	2,372	21.2	1,869	78.8	111	4.7	392	16.5
	Second	1,506	28.2	1,082	71.8	23	1.5	401	26.6
	Third	1,198	8.9	1,092	91.2	44	3.7	62	5.2
	Fourth	2,815	26.8	2,060	73.2	58	2.1	697	24.8
	Fifth	1,025	10.0	922	90.0	23	2.2	80	7.8
	Sixth	725	5.7	684	94.3	12	1.7	29	4.0
	Seventh	1,802	12.9	1,569	87.1	83	4.6	150	8.3
	Eighth	514	4.9	489	95.1	17	3.3	8	1.6
	Ninth	1,702	9.7	1,537	90.3	83	5.4	73	4.3
	Tenth	2,600	10.8	2,320	89.2	64	2.5	216	8.3
	Total*	16,259	16.2	13,624	83.8	527	3.2	2,108	13.0`

Table 32. Durational Departures, Executed Prison Sentences, by Sex, Race/Ethnicity, & Judicial District, 2022

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2022 Rate	2018–22 5-Yr. Rate
	Male	3,823	22.1	2,979	77.9	81	2.1	763	20.0	20.9
	Female	336	19.7	270	80.4	8	2.4	58	17.3	18.6
Race/Ethnicity	White	2,029	18.3	1,658	81.7	42	2.1	329	16.2	16.2
	Black	1,322	29.5	932	70.5	27	2.0	363	27.5	28.6
	American Indian	420	15.2	356	84.8	8	1.9	56	13.3	17.0
	Hispanic	252	17.9	207	82.1	7	2.8	38	15.1	17.7
	Asian	136	29.4	96	70.6	5	3.7	35	25.7	26.4
	Other/Unknown	0		---		---		---		
Judicial District	First	491	23.9	374	76.2	21	4.3	96	19.6	18.1
	Second	457	40.5	272	59.5	8	1.8	177	38.7	41.5
	Third	316	9.5	286	90.5	7	2.2	23	7.3	7.7
	Fourth	798	36.8	504	63.2	13	1.6	281	35.2	37.7
	Fifth	242	16.1	203	83.9	3	1.2	36	14.9	14.2
	Sixth	184	8.2	169	91.8	2	1.1	13	7.1	9.4
	Seventh	502	18.5	409	81.5	17	3.4	76	15.1	14.7
	Eighth	129	7.8	119	92.2	4	3.1	6	4.7	3.9
	Ninth	469	9.2	426	90.8	7	1.5	36	7.7	10.1
	Tenth	571	14.7	487	85.3	7	1.2	77	13.5	11.3
	Total	4,159	19.7	3,249	78.1	89	2.1	821	19.7	20.7

Table 33. Durational Departures by County for Cases Receiving an Executed Prison Sentence, 2022

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	15	13	86.7	0	0.0	2	13.3
Anoka	178	151	84.8	2	1.1	25	14.0
Becker	40	38	95.0	0	0.0	2	5.0
Beltrami	61	58	95.1	1	1.6	2	3.3
Benton	44	37	84.1	1	2.3	6	13.6
Big Stone	4	4	100.0	0	0.0	0	0.0
Blue Earth	73	57	78.1	1	1.4	15	20.5
Brown	23	22	95.7	0	0.0	1	4.3
Carlton	26	20	76.9	0	0.0	6	23.1
Carver	37	31	83.8	1	2.7	5	13.5
Cass	52	43	82.7	3	5.8	6	11.5
Chippewa	16	16	100.0	0	0.0	0	0.0
Chisago	30	29	96.7	0	0.0	1	3.3
Clay	80	76	95.0	3	3.8	1	1.3
Clearwater	13	12	92.3	0	0.0	1	7.7
Cook	3	3	100.0	0	0.0	0	0.0
Cottonwood	4	3	75.0	0	0.0	1	25.0
Crow Wing	60	52	86.7	2	3.3	6	10.0
Dakota	243	171	70.4	11	4.5	61	25.1
Dodge	13	12	92.3	0	0.0	1	7.7
Douglas	28	25	89.3	1	3.6	2	7.1
Faribault	9	9	100.0	0	0.0	0	0.0
Fillmore	4	3	75.0	0	0.0	1	25.0
Freeborn	28	26	92.9	0	0.0	2	7.1
Goodhue	35	27	77.1	0	0.0	8	22.9
Grant	2	2	100.0	0	0.0	0	0.0
Hennepin	798	504	63.2	13	1.6	281	35.2
Houston	4	2	50.0	0	0.0	2	50.0
Hubbard	39	38	97.4	0	0.0	1	2.6
Isanti	29	27	93.1	0	0.0	2	6.9
Itasca	46	46	100.0	0	0.0	0	0.0
Jackson	4	1	25.0	0	0.0	3	75.0
Kanabec	11	10	90.9	0	0.0	1	9.1
Kandiyohi	38	35	92.1	2	5.3	1	2.6
Kittson	0	--	--	--	--	--	--
Koochiching	6	5	83.3	0	0.0	1	16.7
Lac Qui Parle	3	3	100.0	0	0.0	0	0.0
Lake	3	3	100.0	0	0.0	0	0.0
Lake of the Woods	0	--	--	--	--	--	--
Le Sueur	12	8	66.7	1	8.3	3	25.0
Lincoln	0	--	--	--	--	--	--
Lyon	22	18	81.8	1	4.5	3	13.6
McLeod	18	14	77.8	0	0.0	4	22.2

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Mahnomen	30	26	86.7	0	0.0	4	13.3
Marshall	6	5	83.3	0	0.0	1	16.7
Martin	21	16	76.2	0	0.0	5	23.8
Meeker	12	11	91.7	0	0.0	1	8.3
Mille Lacs	44	36	81.8	2	4.5	6	13.6
Morrison	28	25	89.3	0	0.0	3	10.7
Mower	69	68	98.6	0	0.0	1	1.4
Murray	5	5	100.0	0	0.0	0	0.0
Nicollet	22	19	86.4	0	0.0	3	13.6
Nobles	26	22	84.6	0	0.0	4	15.4
Norman	3	1	33.3	0	0.0	2	66.7
Olmsted	84	73	86.9	5	6.0	6	7.1
Otter Tail	36	31	86.1	1	2.8	4	11.1
Pennington	13	12	92.3	0	0.0	1	7.7
Pine	37	34	91.9	0	0.0	3	8.1
Pipestone	6	6	100.0	0	0.0	0	0.0
Polk	120	111	92.5	1	0.8	8	6.7
Pope	2	2	100.0	0	0.0	0	0.0
Ramsey	457	272	59.5	8	1.8	177	38.7
Red Lake	1	1	100.0	0	0.0	0	0.0
Redwood	19	18	94.7	1	5.3	0	0.0
Renville	20	15	75.0	2	10.0	3	15.0
Rice	34	30	88.2	2	5.9	2	5.9
Rock	0	--	--	--	--	--	--
Roseau	4	3	75.0	0	0.0	1	25.0
St. Louis	152	143	94.1	2	1.3	7	4.6
Scott	139	116	83.5	8	5.8	15	10.8
Sherburne	70	63	90.0	1	1.4	6	8.6
Sibley	7	7	100.0	0	0.0	0	0.0
Stearns	180	122	67.8	9	5.0	49	27.2
Steele	40	36	90.0	0	0.0	4	10.0
Stevens	3	3	100.0	0	0.0	0	0.0
Swift	7	7	100.0	0	0.0	0	0.0
Todd	4	4	100.0	0	0.0	0	0.0
Traverse	2	2	100.0	0	0.0	0	0.0
Wabasha	13	12	92.3	0	0.0	1	7.7
Wadena	18	15	83.3	0	0.0	3	16.7
Waseca	7	7	100.0	0	0.0	0	0.0
Washington	129	103	79.8	1	0.8	25	19.4
Watonwan	8	7	87.5	0	0.0	1	12.5
Wilkin	7	7	100.0	0	0.0	0	0.0
Winona	20	17	85.0	0	0.0	3	15.0
Wright	87	70	80.5	3	3.4	14	16.1
Yellow Medicine	13	12	92.3	0	0.0	1	7.7
Total	4,159	3,249	78.1	89	2.1	821	19.7

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 2022, the rate was the second highest it has ever been, at 6.4 percent.

Table 34. Felony Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981–2022

Year	Total Number of Cases	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
2022	16,259	1,036	6.4
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

Year	Total Number of Cases	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
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

Appendixes

Appendix 1. How the Sentencing Guidelines Work

A separate Sex Offender Grid, with severity levels from I 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.

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.

		Standard Sentencing Grid							
		CRIMINAL HISTORY							
		0	1	2	3	4	5	6+	
SEVERITY	11								
	10								
	9								
	8								
	7								
	6								
	5								
	4								
	3								
	2								
	1								

		Sex Offender Grid							
		CRIMINAL HISTORY							
		0	1	2	3	4	5	6+	
SEVERITY	A								
	B								
	C								
	D								
	E								
	F								
	G								
	H								
	I								

		Drug Offender Grid							
		CRIMINAL HISTORY							
		0	1	2	3	4	5	6+	
SEVERITY	D9								
	D8								
	D7								
	D6								
	D5								
	D4								
	D3								
	D2								
	D1								

A separate Sex Offender Grid, with severity levels from I²² 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.

²² 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.

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.

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 24.)

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>.

Appendix 2. 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.

Limitations

There are few specific guidelines to the court regarding the imposition of these intermediate sanctions.²³ The 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.²⁴

²³ For general guidance, see 2022 Minn. Sentencing Guidelines § 3.A. The presumptive five-year probation cap mentioned on page 6, above, took effect for offenses committed on or after August 1, 2020.

²⁴ For a discussion of probation revocations, see MSGC’s most recent Probation Revocation report under “Special Topics” at <http://mn.gov/sentencing-guidelines/reports>.

Appendix 3. Standard Sentencing Guidelines Grid – Effective August 1, 2022

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in <i>italics</i>)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree (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> ¹	426 <i>363-480</i> ¹
<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> ^{1,2}
<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	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	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	12	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19 <i>17-22</i>



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185.



Presumptive stayed sentence; at the discretion of the court, up to 364 days 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.

¹ 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 the maximum sentence is not more than the statutory maximum.

² For Severity Level 7 offenses other than Felony DWI, the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

Appendix 4. Sex Offender Grid – Effective August 1, 2022

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>144²-172</i>	156 <i>144²-187</i>	168 <i>144²-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360³</i>
<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>90²-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-306</i>	300 <i>255-360</i>
<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>102-120³</i>
<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>51-60³</i>
<i>CSC 5th Degree–3(a) (nonconsensual penetration)</i>	H	12	14	16	18	24	24 ³ <i>24-24</i>	24 ³ <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 mandatory minimum under Minn. Stat. § 243.166, subd. 5(b).



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines.



Presumptive stayed sentence; at the discretion of the court, up to 364 days 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.

² Sex Trafficking is not subject to a 144- or 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (For Severity Level A, Criminal History Scores 0, 1, & 2, the ranges are 123–172, 133–187, & 143–201, respectively. For Severity Level B, Criminal History Score 0, the range is 77–108.)

³ 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 the maximum sentence is not more than the statutory maximum. For Severity Level H, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum at criminal history scores above 4.

Appendix 5. Drug Offender Grid – Effective August 1, 2022

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 74*-103	98 84*-117	110 94*-132	122 104*-146	134 114*-160	146 125*-175	158 135*-189
<i>Controlled Substance Crime, 1st Degree</i>	D8	65 56*-78	75 64*-90	85 73*-102	95 81*-114	105 90*-126	115 98*-138	125 107*-150
<i>Controlled Substance Crime, 2nd Degree</i>	D7	48	58	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	D6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Possess Substances with Intent to Manufacture Meth</i>	D5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Controlled Substance Crime, 4th Degree</i>	D4	12	15	18	21	24 21-28	27 23-32	30 26-36
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	D3	12	13	15	17	19 17-22	21 18-25	23 20-27
<i>Controlled Substance Crime, 5th Degree</i>	D2	12	12	13	15	17	19	21 18-25
<i>Sale of Simulated Controlled Substance</i>	D1	12	12	12	13	15	17	19 17-22

* Lower range may not apply. See Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).



Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to 364 days 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.

Glossary of Terms

Commitment. “Commitment” occurs when a person is sentenced to the custody of the Commissioner of Corrections.

Concurrent Sentence. When the court orders sentences to be “concurrent,” the court is ordering that multiple sentences be served at the same time.

Consecutive Sentence. When the court orders sentences to be “consecutive,” the court is ordering that multiple sentences be served one after the other in the manner described in section 2.F.

Criminal History Score. The “criminal history score” is comprised of criminal history factors detailed in section 2.B. The horizontal axis on the applicable grid represents the offender’s criminal history score.

Departure. A “departure” is a pronounced sentence other than that recommended in the appropriate cell on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence.

Dispositional Departure. A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines.

Aggravated Dispositional Departure. An “aggravated dispositional departure” occurs when the Guidelines recommend a stayed sentence but the court pronounces a prison sentence.

Mitigated Dispositional Departure. A “mitigated dispositional departure” occurs when the Guidelines recommend a prison sentence but the court stays the sentence.

Durational Departure. A “durational departure” occurs when the court orders a sentence with a prison duration other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid.

Aggravated Durational Departure. An “aggravated durational departure” occurs when the court pronounces a prison duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid.

Mitigated Durational Departure. A “mitigated durational departure” occurs when the court pronounces a prison sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid.

Departure Report. A “departure report” is a form completed by the sentencing court when the court pronounces a sentence that is a departure from the presumptive sentence. Under Minn. R. Crim. P. 27.03, subd. 4(c), the form must be completed and submitted to the Sentencing Guidelines Commission within 15 days after sentencing.

Executed Sentence. An “executed sentence” is the total period of time for which an inmate is committed to the custody of the Commissioner of Corrections (sent to prison). Under Minn. Stat. § 244.101, the sentence consists of two parts: a minimum term of imprisonment and a maximum period of supervised release.

Term of Imprisonment. For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the “term of imprisonment” (incarceration) is equal to two-thirds of the executed sentence.

Supervised Release Term. For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the “supervised release term” is a period of mandatory community supervision, which is served following the end of the term of imprisonment and is equal to one-third of the executed sentence less any applicable disciplinary confinement period.

Extended Jurisdiction Juvenile (EJJ). An “extended jurisdiction juvenile” is a child who, under the procedures in Minn. Stat. § 260B.130, has been given a stayed adult sentence and a juvenile disposition, and for whom jurisdiction of the juvenile court may continue until the child’s twenty-first birthday.

Factfinder. The “factfinder” or finder of fact determines the facts in the case and may be either the court or the jury.

Hernandize. “Hernandize” (or “Hernandizing”) is the unofficial term for the process described in section 2.B.1.e of counting criminal history when multiple offenses are sentenced on the same day before the same court.

Local Confinement. “Local confinement” is a term of incarceration of up to one year served in a local facility and may be pronounced by the court as a condition of probation.

Mandatory Minimum. The “mandatory minimum” is a minimum executed sentence duration specified in statute for offenders convicted of certain felony offenses.

Presumptive Sentence. “Presumptive sentences” are those sentences provided on the Sentencing Guidelines. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.

Presumptive Disposition. The “presumptive disposition” is the recommendation for either a commitment or a stayed sentence.

Presumptive Commitment. A “presumptive commitment” is a recommended disposition of imprisonment for cases contained in cells outside of the shaded area on the Grids.

Presumptive Stayed Sentence. A “presumptive stayed sentence” is a recommendation for a stayed sentence for cases contained in the cells within the shaded area on the Grids.

Presumptive Duration. The “presumptive duration” is the recommended fixed sentence length in months found in the appropriate cell on the applicable Grid.

Presumptive Range. The “presumptive range” is provided for a sentence that is a presumptive commitment. Pursuant to Minn. Stat. § 244.09, subd. 5(2), the range is 15 percent lower and 20 percent higher than the fixed duration displayed in each cell on the Grids.

Lower Range. The “lower range” is that portion of the presumptive range that is shorter than the fixed presumptive duration.

Sentence Modifier. A “sentence modifier” is a statute or policy that aids in defining the punishment for the underlying offense. A sentence modifier can affect either or both the duration and the disposition of the presumptive sentence. See section 2.G for policies relating to determining the presumptive sentence for offenses that include a sentence modifier.

Sentencing Guidelines Grids. The “Sentencing Guidelines Grids” (or “Grids”) display presumptive sentences for felony offenses according to the severity level of the offense (vertical axis) and offender’s criminal history score (horizontal axis).

Sex Offender Grid. The “Sex Offender Grid” displays the presumptive sentences for criminal sexual conduct, failure to register as a predatory offender, and related offenses as shown on the Sex Offender Grid.

Drug Offender Grid. The “Drug Offender Grid” displays the presumptive sentences for controlled substance crime, failure to affix stamp, and related offenses as shown on the Drug Offender Grid.

Standard Grid. The “Standard Grid” displays the presumptive sentences for felony offenses not on the Sex Offender Grid or Drug Offender Grid.

Sentencing Worksheet. The “Sentencing Worksheet” (or “Worksheet”) is a form completed by probation at the direction of the court under Minn. Stat. § 609.115, subd. 2a. The Worksheet reflects the severity of the current conviction offense, applicable history as calculated under Sentencing Guidelines policies, and the presumptive sentence as reflected in the appropriate cell of the applicable Grid. A separate Worksheet should be completed for all felony-level offenses receiving a stayed or imposed sentence, or a stay of imposition. This includes offenses that receive a life sentence and felony convictions for which the court imposes a gross misdemeanor or misdemeanor sentence.

Severity Level. The “severity level” is a ranking assigned to each felony offense by the Sentencing Guidelines Commission to indicate the seriousness of the offense. The vertical axis on the applicable grid represents the severity of the conviction offense. Felony offenses, other than sex and drug offenses, are arranged on the Standard Grid into eleven levels of severity, ranging from high (Severity Level 11) to low (Severity Level 1). Sex offenses are arranged on the Sex Offender Grid into nine severity levels, ranging from high (Severity Level A) to low (Severity Level I). Drug offenses are arranged on the Drug Offender Grid into nine levels of severity, ranging from high (Severity Level D9) to low (Severity Level D1). Offenses listed within each severity level are deemed equally serious.

Statutory Maximum. The “statutory maximum” is the maximum sentence duration provided for the offense in statute (e.g., “imprisonment for not more than 15 years”).

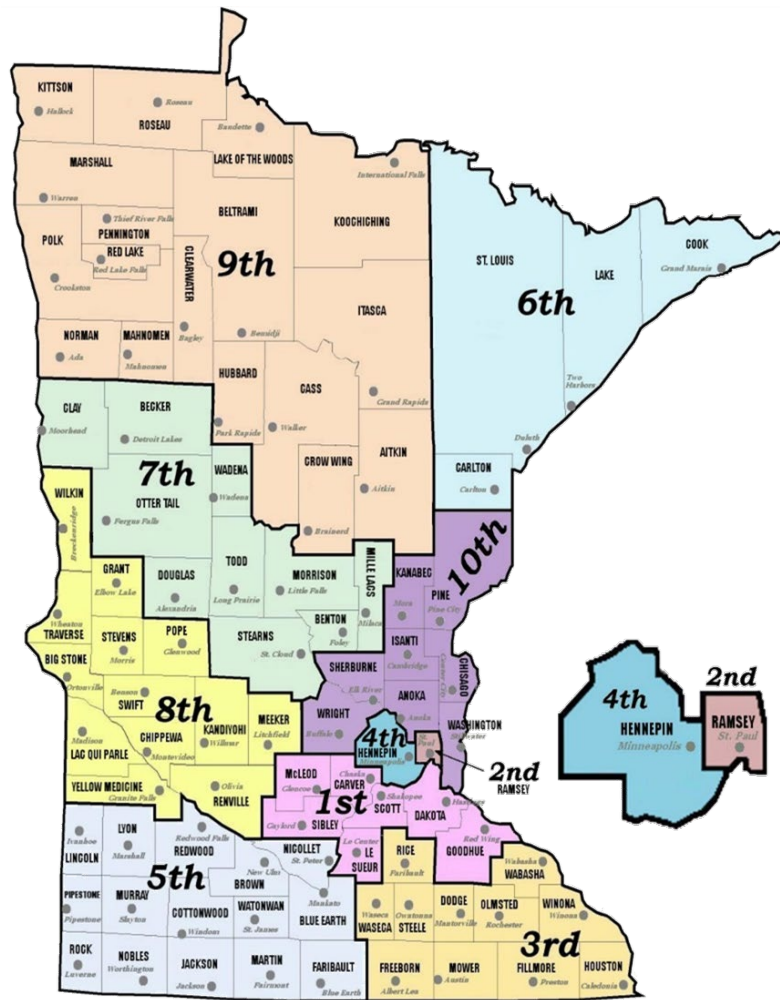
Stayed Sentence. A “stayd sentence” may be accomplished by either a stay of imposition or a stay of execution. There are two steps in sentencing: the imposition of a sentence and the execution of the sentence imposed. The imposition of sentence consists of pronouncing the sentence to be served in prison (for example,

three years imprisonment). The execution of an imposed sentence consists of transferring the felon to the custody of the Commissioner of Corrections to serve the prison sentence.

Stay of Imposition. A “stay of imposition” occurs when the court accepts and records a finding or plea of guilty but does not impose (or pronounce) a prison sentence. If the offender successfully completes the stay, the case is discharged, and the conviction is deemed a misdemeanor under Minn. Stat. § 609.13 but is still included in criminal history under section 2.B.

Stay of Execution. A “stay of execution” occurs when the court accepts and records a finding or plea of guilty, and a prison sentence is pronounced, but is not executed. If the offender successfully completes the stay, the case is discharged, but the offender continues to have a record of a felony conviction, which is included in criminal history under section 2.B.

Minnesota Judicial District Map



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

Source: Minn. Judicial Branch.