

Minnesota Sentencing Guidelines Commission
REPORT TO THE LEGISLATURE
on Intermediate Sanctions
February, 1991

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EXECUTIVE SUMMARY

The Legislature has been concerned with the lack of information regarding the use and availability of intermediate sanctions. The inability of the Legislature to recognize the effect that their decisions will have on local correctional resources has been extremely frustrating. The reason the impact of decisions is so difficult to determine is because 1) there is little data currently available regarding the use of local correctional resources, and 2) there is a lack of policy to properly evaluate and to direct the use of local correctional resources.

The Legislature requested that the Minnesota Sentencing Guidelines Commission determine how more information could be routinely gathered on local sentencing practices, usage of local correctional resources, and local alternatives to incarceration for convicted felons. The Commission has examined this issue and determined that enormous problems arise when an individual agency makes changes to try to improve the criminal justice information system without agreement and understanding from all those who would be affected by the changes.

Rather than impose additional ad hoc requirements on the criminal justice system at this time, the Commission is recommending that the Legislature establish a criminal justice executive policy group to develop policy and procedures for the management of information as a community resource. Criminal justice information is a shared resource involving numerous actors. State and local agencies and the Legislature must all make a commitment to the improvement of our criminal justice data information systems before the state can be provided with the kind of routine information requested.

Currently there is no formal mechanism in place to assure that the needs for those caring for criminal justice data, supplying the data, and using the data are all taken into account. Consequently, the current criminal justice information systems are plagued by delays, inaccuracies, and missing information. Efforts have been made to identify the current problems with the existing systems. Further action is now needed to promote the concept that criminal justice information is a valuable resource that can only exist when actors in the system are willing to share, participate, and assume responsibility. With a formal mechanism in place and a commitment to improved information, efforts can be made to assure more complete and routine information on intermediate sanctions.

The Commission was allocated some funding to conduct this study. As routine information would not be immediately available on intermediate sanctions, the Commission utilized this funding to conduct a statewide indepth data collection effort. Data was collected on a sample of cases from 37 counties in the state. The purpose of this indepth data is to serve as baseline data to guide policy development in the area of intermediate sanctions. This data will be invaluable to any jurisdiction that is interested in evaluating their use and need for intermediate sanctions. The data set can also be used to assist the Commission and the Legislature in any decision making process regarding intermediate sanctions.

The data show that offenders who served stayed sentences were heavily sanctioned. It was rare that an offender was required to be on probation with no other sanctions imposed. Most offenders were required to serve more than one additional sanction to probation. The majority of offenders were required to serve some time in jail, half were required to pay restitution, about 20% were required to do community work service, 45% spent time in some type of treatment, and about 10% were fined.

The use of intermediate sanctions varied by sex, county, offense type, race, severity level, criminal history, and other breakdowns. The report suggests some possible explanations for these differences. It is often difficult to understand the reasons for the differences as there is little policy to guide such an evaluation.

While much of the data in the study is summarized in this report, there is much not reported. The Commission welcomes any questions the Legislature and other interested persons might have on intermediate sanctions that are not covered by this report but for which data are available.

I. INTRODUCTION

The Legislature has been concerned with the lack of information regarding the use and availability of intermediate sanctions. It is problematic when the Legislature must make decisions that will affect local correctional resources, but there is no information that will help determine what that effect will be. While limited information on intermediate sanctions is currently available from the Department of Corrections and local units of government, there is a general deficiency of information to support decision making. The 1989 Legislature directed the Minnesota Sentencing Guidelines Commission to determine how more information could be routinely gathered on local sentencing practices, usage of local correctional resources, and local alternatives to incarceration for convicted felons.

It is important for the Legislature to be able to recognize the possible impact of their decisions on correctional resources. Minnesota has a system of sentencing guidelines that addresses the questions of who should go to prison and for how long. The guidelines articulate the sentencing policy of the state and structure sentencing outcomes. With this articulated sentencing policy and a monitoring system in place, information is available to recognize the need for prison space and to recognize the possible impact of policy changes on prison space. Decisions can be made with an understanding of the fiscal implications.

Minnesota's sentencing guidelines system does not address what the appropriate intermediate sanction(s) might be for an offender who is not recommended to go to prison. While the guidelines monitoring system does contain some information on certain intermediate sanctions pronounced by the judge, the actual intermediate sanctions that are served by any individual offender are often determined after the offender has been placed on probation. The need for local correctional resources is difficult to determine due to the lack of an articulated sentencing policy for intermediate sanctions and the lack of data on the types of intermediate sanctions served by offenders.

This report focuses primarily on the current lack of data rather than the current lack of sentencing policy for intermediate sanctions. Both are important issues and are necessary ingredients for recognizing resource needs. The Commission was allocated \$20,000 in F.Y. 1990 which was used to collect data around the state on intermediate sanctions. The monies appropriated by the Legislature for the study were not what had been originally requested by the agency. The agency believed it was important to collect data from the entire state because of the wide variation in the type of resources available within each county. The agency determined that the funds provided by the Legislature would only allow for a study of a sample of eight counties. However, due to the extraordinary cooperation and assistance of the probation offices around the state the agency was able to expand the study to include nearly all of the Community Correction Act (CCA) counties and most of the larger non CCA counties. The indepth research is comprehensive and representative of nearly the entire state which increases its usefulness for policy purposes.

II. AVAILABILITY OF DATA ON INTERMEDIATE SANCTIONS

The Legislature requested that the Minnesota Sentencing Guidelines Commission determine how more information could be routinely gathered on local sentencing practices, usage of local correctional resources, and local alternatives to incarceration for convicted felons. Currently, these data are not automated and are not found in any one location. In order to obtain the data for this report, we had to send two data collectors around the state to review probation officer files. They also had to go to jails and workhouses to obtain information on time served in jail. The entire data collection process took approximately 6 months and we were able to collect data from only 37 of the 87 counties in the state.

There are some suggestions this agency could make to the Legislature that would address the question of how this information about local sentencing practices could be gathered more routinely. We could suggest that more funding be given to this agency to allow us to continue yearly data collection efforts. Or we might suggest that the Sentencing Worksheet currently completed by probation agents be expanded dramatically to include the information collected for this report. Another suggestion might be to require the courts to send us more detailed information on the specific sanctions pronounced by the court. However all of these suggestions would be premature. Enormous problems arise when an individual agency makes changes to try to improve the criminal justice information systems without realizing the impact those changes would have on other agencies in the system.

While this state has had a fairly good reputation for cooperating and working together in the area of criminal justice data, there currently is no formal mechanism in place to assure that the needs of those caring for the data, supplying the data and using the data are all taken into account. This lack of a formal mechanism for accountability has resulted in our current criminal justice information systems being plagued by delays, inaccuracies, and missing information.

The first step toward obtaining a more complete statewide information system on local sentencing practices is to identify why we have problems with the existing criminal justice information systems. The Legislature, as one of the primary users of criminal justice data, has felt the frustration of untimely and inaccurate information. We must develop a mechanism to improve the existing criminal justice information systems before we can burden the systems with more demands.

Efforts are already being made by the major criminal justice agencies to identify the current problems with the existing criminal justice information systems. A framework is being developed to help create meaningful solutions to the current problems. This is where we must continue to focus our attention.

Autonomous yet Interdependent

The Minnesota Sentencing Guidelines Commission (MSGC) monitoring system contains a wealth of information on felony sentencing practices. The monitoring system would not be possible without the extensive cooperation of numerous state and local agencies and individuals.

The Commission must depend on others to care for and supply the necessary information to this agency. The accuracy, timeliness, and completeness of our monitoring system is dependent on probation officers who are requested to submit a sentencing worksheet for every offender who is convicted of a felony offense in Minnesota. The monitoring system is also dependent on information received from the State Judicial Information System (SJIS). In turn, SJIS is dependent on the courts to supply the necessary sentencing information to their system before it can be passed to the MSGC monitoring system. The courts may not recognize the importance the information that they are recording has to the Minnesota Sentencing Guidelines Commission, and ultimately the Legislature. Thus, proper care may not be taken by the courts to assure its accuracy or timeliness. These "custodians" (SJIS) and "suppliers" (courts and probation officers) have different priorities and different needs for the data that can interfere with the timeliness, accuracy, and completeness of our monitoring system.

The Sentencing Guidelines Commission is certainly not the only agency that is dependent on other agencies for maintaining an information system. This a common characteristic throughout agencies and organizations in the criminal justice system. For example, the State Judicial Information System is dependent on court personnel and prosecutors to send in information on court processing. The Bureau of Criminal Apprehension (BCA) is dependent on SJIS to send them court processing data and is dependent on law enforcement to send in arrest and reported crime data. Conversely, the courts are dependent on the BCA for criminal history information on offenders who are being prosecuted. The courts are also dependent on SJIS and MSGC for summary information on how efficient they are at processing cases and to what extent the judges are following the recommendations of the sentencing guidelines.

This interdependency among autonomous agencies for data does create substantial problems, but the alternative of each agency collecting their own data is not a viable option. Having the agency who wants the data actually collect it would assure more accuracy but would not be efficient or timely. There would be an enormous duplication of effort and those practitioners who store the data at its source would be bombarded by ongoing requests to look through files. A more constructive alternative is to examine the current system to determine how improvements can be made and to take into account the needs of all those who use, supply, or care for information in the criminal justice community.

The Concept of Shared Data and the Partnership Model

A group of individuals from several major state criminal justice organizations have been meeting for some time with the stated mission to: **improve the accuracy, timeliness, accessibility and utility of the criminal justice data for agencies with operational responsibility, and others participating in the analysis of public policy issues.** The group has been working on identifying the relationships between the various criminal justice organizations with regard to information exchanges. The group primarily consists of representatives from the Bureau of Criminal Apprehension, the Supreme Court, the Department of Corrections, and the Sentencing Guidelines Commission. Also included in the meetings have been representatives from the Information Policy Office who have served as consultants. On occasion, representatives from counties, the State Planning Agency, and legislative research staff have also attended.

The group has worked diligently to wade through the complexities of our criminal justice information systems. The group developed the "shared data concept" to help identify how we can begin to make meaningful improvements to our systems. The adoption of this concept requires criminal justice organizations to recognize the criminal justice system as a community. Organizations cannot simply focus exclusively on their own mandates and priorities but must recognize the relationship of their responsibilities for criminal justice data to the other organizations in the criminal justice system. These relationships are identified by a "partnership model."

In a partnership model, an organization may be a "custodian" or caretaker of the data, it may be a "supplier" of data, or it may be a "user" of data. This model demonstrates the relationship of each player to every other:

CUSTODIAN ----->	USER/SUPPLIER
SUPPLIER ----->	CUSTODIAN/USER
USER ----->	CUSTODIAN/SUPPLIER

If each organization in this model does not recognize the responsibility it has to the other organizations, there is a significant negative impact:

If the custodian shows no responsibility to the user, and unilaterally creates or changes "its" system, the system will not meet the users needs;

If the custodian recognizes no responsibility to the supplier (such as demanding something unreasonable or not taking into consideration the cost or difficulty for the supplier) the data will be untimely or inaccurate.

If the supplier shows no responsibility toward the custodian (even though the reporting requirement is reasonable) by treating the data in a cavalier fashion, again the data will be untimely or inaccurate.

If the user shows no responsibility to the custodian and supplier and does not clearly articulate its needs, or is unreasonable in its requests, or does not consider the impact on costs or time of the supplier, the result is inaccurate or untimely data.

In all cases the impact may be a breakdown in the relationship among suppliers, users, and custodians.

Within the concept of shared data is the understanding that we must:

- recognize that "custodians" have many users and suppliers;
- recognize that each organization may have any or all of the custodian/user/supplier roles at one time;
- realize that with the custodial role comes accountability for the data yet vulnerability because of our dependence on the suppliers; and
- recognize the lack of practical authority over the suppliers.

Creation of a "Criminal Justice Executive Policy Group"

The group realized that this concept of shared data and the adoption of a partnership model requires the involvement of top management. The group recommended that executives from the criminal justice community form an inter-agency cooperative (Criminal Justice Executive Policy Group) for the purpose of developing policy and procedures for the management of information as a community resource. The role of this executive group would be to:

- Develop the principles and policy that define the body of the Partnership Model
- Sell the Partnership Model and the Concept of Shared Data; Restructure the culture for criminal justice information

- Serve as a Legislative Focal Point and Liaison for the Criminal Justice Community

The benefits that could be realized by creating such a group and making a commitment to the Partnership Model are:

- Provide a focal point between the legislature and operational processes:
 - A more proactive than reactive relationship;
 - Improved communication and understanding of issues;
 - A broader assessment of options and their impact;
 - More effective legislation; and
 - More effective implementation of legislation.
- Develop strategic long-range thinking and planning on community wide issues.
- Improve the decision making process with more current and accurate information.
- Improve operational efficiency through community-wide process re-engineering.

It was also discussed that this "Criminal Justice Executive Policy Group" could take up other issues in the future to provide the benefits noted above with respect to a wide range of criminal justice issues. It was believed that information issues should be given first priority.

Recommendation to the Legislature

Formalize a Criminal Justice Executive Policy Group. This recommendation is similar to one from the Office of Drug Policy, Minnesota Drug Strategy 1991, Report to the 1991 Minnesota Legislature that recommends ". . . establish a criminal justice policy group to provide enhanced coordination and overall policy guidance on criminal laws, procedures and system operations."

If the "Partnership Model" can be adopted by criminal justice organizations and principles and policy are developed by the Criminal Justice Policy Group to promote the Partnership Model, the framework would be in place to address the issue of how to routinely gather information on local sentencing practices, usage of local correctional resources, and local alternatives to incarceration for convicted felons. More importantly,

the framework would be in place to address any such information question the legislature might have in the future.

III. GUIDELINES FOR INTERMEDIATE SANCTIONS

To be able to better manage and recognize the need for local correctional resources, there needs to be in place both policy to direct the rational use of the available resources and information about how the resources are actually being used. This report focuses primarily on how local sanctions are actually being used. The lengthy section that follows summarizes the extensive information collected for a sample of felony cases sentenced in 1987. It is important, however, to also recognize that progress is being made with regard to the development of standards for intermediate sanctions.

Guidelines for Individual Jurisdictions

In the February, 1989 Report to the Legislature on Three Special Issues the Commission encouraged individual jurisdictions to continue to develop local guidelines and to share such developments with the Commission.

The Department of Corrections presented a report to the Sentencing Guidelines Commission on the recommendation standards developed as a pilot project for nonimprisonment sanctions. The purpose of the project was to ensure greater consistency and rationality in the recommendations DOC agents made to judges for felons whose presumptive disposition under guidelines was a stayed sentence. The standards were developed by DOC personnel, including both management and line staff. As stated in the report "Minnesota Department of Corrections, Recommendation Standards for Nonimprisonment Sanctions, A Pilot Project", the goals of the project were:

1. Establish consistency in recommendations for nonimprisonment sanctions.
2. Provide for logical and fair nonimprisonment sanctions recommendations that are effective yet utilize the least restrictive and least expensive options.
3. Ensure proportionality by encompassing recommendations for all types of nonimprisonment sanctions.
4. Consider available resources and geographical differences in availability.

The DOC believes that the pilot project has been a success with regard to its goals. Departures from the standards have occurred less than 25% of the time and some of the initial controversy over the project among judges has diminished. The DOC has now

implemented their program statewide and will continue to monitor and evaluate its progress.

The Commission supports this DOC project as consistent with the recommendations in the 1989 report and as a step in the right direction. The Commission will continue to monitor this program and take any action as directed by the Legislature.

The Commission also recognizes and supports other local jurisdictions that have developed ways to structure the decisions of probation officers when making recommendations to the court, including Anoka county and Dodge/Fillmore/Olmsted counties. The Commission is anxious to learn of any other jurisdiction that is currently considering developing guidelines or standards for intermediate sanctions. The data collected for this study provides a wealth of information for such jurisdictions and the Commission is eager to share this information.

Also consistent with the 1989 recommendations is a recommendation by the Office of Drug Policy in their 1991 Report to the Legislature that community corrections jurisdictions implement nonimprisonment sentencing guidelines, subject to the review and approval by the Minnesota Sentencing Guidelines Commission. The Commission believes that community corrections jurisdictions have begun to look at the advantages that guidelines can bring at the local level including fairness and proportionality and the ability to better manage the local correctional resources.

The Minnesota Association of Community Correction Act Counties (MACCAC) held a conference in September, 1990 to explore the development of local sentencing recommendations standards. The conference was co-sponsored by the Department of Corrections and the Sentencing Guidelines Commission. The conference offered a great deal of information on efforts being made around the country to address sentencing policy for offenders sentenced to intermediate sanctions.

The keynote speaker was Michael Tonry, currently with the University of Minnesota Law School. He has spent much of his career studying sentencing issues and is renowned as a national expert in criminal justice issues related to sentencing. He spoke about his recent book that was written with Norval Morris, Between Prison and Probation - Intermediate Punishments in a Rational Sentencing System. The book promotes the idea that a principled sentencing system can be created that allows for interchanges between imprisonment and intermediate punishments. It is suggested that intermediate punishments should not be viewed as lenient but play a legitimate role in the sanctioning of convicted felons.

The conference also included speakers from two states that have recently developed structured sentencing (guidelines) in their states: Oregon and Louisiana. Both of these states structure sentencing for intermediate sanctions as well as for prison. Speakers from Minnesota also discussed what is happening around this state and included:

Department of Corrections "recommendation standards" pilot project, Anoka County Community Corrections recommendation standards, and Dodge, Fillmore, Olmsted County Community Corrections recommendation standards.

The second day of the conference was designed to offer an opportunity to discuss in workshops the various issues involved in developing standards for recommendations.

Most participants believed the conference was stimulating and presented the challenge for local jurisdictions to develop their own standards. The MACCAC committee on recommendation standards will continue to meet to ensure progress is made and that jurisdictions get the help they need. The Commission will also continue to follow the progress of local jurisdictions and will offer any information or assistance that is needed.

IV. INDEPTH RESEARCH

The Minnesota Sentencing Guidelines Commission conducted a major research effort to gain more indepth information on intermediate sanctions. The Commission's current monitoring system consists of sentencing data provided by the State Judicial Information System (SJIS). This sentencing information is limited to certain general sanctions pronounced by the judge. The information does not provide a complete picture of what sanctions an individual offender will serve. Community work service, Huber law jail time, and specific requirements for treatment as pronounced by the judge are some examples of information not available from SJIS. Also, the monitoring system does not contain any information on the actual sanctions served by offenders. The actual sanctions served by an offender can be quite different from the original sanctions pronounced by the judge.

The purpose of this section of the report is to summarize the vast amount of information that has been collected on intermediate sanctions. However, the primary purpose of the indepth data will be to address policy questions as they arise regarding the development and structuring of intermediate sanctions. The usefulness of this data set will, therefore, be ongoing and can be used to assist any county that is interested in evaluating their use and need for intermediate sanctions. The data set can also be used to assist the Sentencing Guidelines Commission and the Legislature in any decision making process regarding intermediate sanctions.

A. Methodology

The Commission collected data from around the state in an effort to capture more specific and complete information on what happens to offenders who were given stayed sentences. The Commission's monitoring system was used to sample cases for the study. The monitoring system contains information on all persons convicted of a felony and is generally maintained in annual data bases that include all convicted felons sentenced within a twelve month period. The cases used in the study were sampled from the population of convicted felons sentenced to a stayed sentence between November 1, 1986 and October 31, 1987. This time frame was chosen because it provided a fairly recent year of sentencing practices yet allowed for a long enough period of time for the offenders to have served all or most of their sanctions.

Data was collected for 1,794 offenders with stayed sentences in 37 of the 87 Minnesota counties. There were 25 cases where indepth data was unavailable. These cases are not included in the analysis found in this report. The sample included the population of cases where the offender had received a stayed sentence when the guidelines had recommended a prison sentence (mitigated dispositional departure) and was otherwise stratified by gender and race. While generally the sample included about one quarter of all white offenders and half of all white female offenders, minorities were oversampled in most counties and females were oversampled in some counties. In the smaller counties, data was collected on the population of minorities.

All data presented in this report are weighted for each county by gender and race in order to present data that reflects the actual statewide population proportions for gender and race. The total number of weighted cases is 4,190.

Data were collected from all Community Correction Act (CCA) counties except the Rock/Nobles region (see appendix for a list of counties). Data were also collected from the following state operated counties: Benton, Carver, Chisago, Dakota and Kandiyohi (now CCA counties), Mille Lacs, Nicollet, Pine, Rice (now a CCA county), Scott, Sherburne, Stearns, Winona, and Wright. The limited funding would not permit data collection from all 87 counties but the 37 counties included in the study represent over 80% of all convicted felons sentenced to stayed felony sentences in 1987.

B. Data Analysis

1) General Description of Offenders in Sample

About 65% of the offenders in the sample were sentenced in the 7 county metro area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington). About 80% of the offenders were male and 20% were female. The racial breakdown consisted of 76% white, 17.2% African American, 4.2% American Indian, and 2.5% other racial groups. The majority of the offenders had been convicted of a property crime (63%) with about 19% convicted of person crimes and 15% convicted of drug crimes. About 78% were convicted of offenses at severity levels I-IV, with only 20% convicted of offenses at severity levels V and VI, and 2% at severity levels VII and VIII. Most offenders had a zero criminal history score (60%) but 28% had a criminal history score of 1 or 2 and about 12% had a criminal history score of 3 or more.

Most of the offenders were single but most lived with someone; typically a spouse, cohabitant, or with family. Slightly less than half of the offenders had at least one dependent child and the majority (77%) of those offenders provided support to at least some of their dependents. Only 39% of the offenders were employed full time at sentencing and another 11% were employed part time at sentencing. The primary occupation of the offenders in the sample was unskilled labor with some skilled laborers and with a few professional and managerial offenders. In addition, about 23% had not developed any sort of primary occupation due to youthful status. Only about 20% of the offenders had stable work records.

Nearly 85% of the cases involved a plea negotiation with only 2% going to trial and 13% with straight pleas. Among those offenders who received a plea negotiation, 21% involved a charge negotiation, 38% involved a sentence negotiation, and 42% involved both a charge and sentence negotiation. The most common type of charge negotiation was an agreement to drop or reduce a charge other than the most serious (53%), but there was a high percentage of cases as well where the agreement was to drop or reduce the most serious charge (41%). Sentence negotiations commonly involved an agreement to receive the presumptive disposition. An agreement to receive a stay of imposition also occurred relatively frequently. Other common sentence negotiations included a limit on the length of jail, agreements regarding restitution, and agreements for the county attorney to stand silent on the sentence.

2) Types of Sanctions

Data were collected on an extensive number of possible intermediate sanctions including: jail, huber time, fines, restitution, community work service, residential and non-residential treatment, random drug testing, probation, and other sanctions. The study includes information on both the pronounced sanctions as well as what sanctions were actually served.

Jail or Workhouse

Jail Rates

Jail or workhouse time as a condition of probation is the most common local sanction other than probation itself. Judges pronounced jail time as a condition of probation in nearly 71% of the cases in the sample.

Only 17% of the offenders with pronounced jail time had no other major sanctions pronounced in addition to probation. Major sanctions include: fines, restitution, community work service, and treatment. About 27% of the offenders with pronounced jail also had some type of treatment pronounced as a condition of probation, about 21% had jail and restitution, and about 17% had jail, restitution and some type of treatment pronounced. While these were the most common combinations of sanctions, in addition about 4% of the offenders with pronounced jail had one other major sanction pronounced, about 10% had two other major sanctions pronounced, and another 4% had three other major sanctions pronounced.

Severity Level

The lowest rates of jail were found at severity levels II and III at 55.5% and 64.7% respectively. Jail rates at severity level I and IV were significantly higher at 72.0% and 74.2% respectively. Jail rates were more than 80% at severity levels V - VIII. One of the reasons the jail rates are lower at severity levels II and III is because a large number of female offenders were convicted of severity level II and III offenses, typically welfare fraud. Generally, females were not jailed at as high a rate as males were, 46% for females compared to 77% for males.

Criminal History

Examining jail rates by criminal history shows that offenders with a zero criminal history score had the lowest jail rate at 63.4%. The remaining offenders with criminal history scores of 1, 3, 4, 5, and 6 or more all had jail rates around 77% to 79%. However, those offenders with a criminal history score of 2 had a higher jail rate of 90.2%. It is unclear why this rate might be higher than those with higher criminal history scores.

Offense Type

Jail was pronounced more frequently for person offenders (82.4%), than for property offenders (66.3%). Approximately 74% of offenders convicted of drug crimes or other

types of felony crimes received sentences with conditional pronounced jail time.

For most felony offenses jail was pronounced in over 60% of the cases. Certain offenses did tend to have lower pronounced jail rates: Welfare Fraud 32.4%, Food Stamp Fraud 15.8%, Theft by Swindle 49.5%, Receiving Stolen Goods 60.0%, and Terroristic Threats 53.6%.

Geographical Area

The jail rates varied considerably by county. Carver and Scott counties had the lowest pronounced jail rates, both at less than 50% of the cases. Benton and Ramsey counties also had relatively low pronounced jail rates at 59% and 58% respectively. There were four counties with a pronounced jail rate of 100%: Dodge, Fillmore, Red Lake, and Swift. The following table displays the remaining counties grouped by three ranges of pronounced jail rates.

Counties with Pronounced Jail Rates of 60% to 99%

60% to 69%	70% to 79%	80% to 99%
Kandiyohi	Anoka	Aitkin
Morrison	Carlton	Blue Earth
Olmsted	Chippewa	Chisago
Rice	Crow Wing	Mille Lacs
Stearns	Dakota	Nicollet
Wright	Hennepin	Pine
Yellow Medicine	Lac Qui Parle	Sherburne
	Lake	Todd
	Norman	Wadena
	Polk	Washington
	St. Louis	Winona

It is interesting that Ramsey county had a lower jail rate than most other counties in the sample. Jail was not pronounced as frequently for low severity, low criminal history score offenders in Ramsey county compared to other counties. The jail rate in Ramsey county was only 15.5% at severity level I, criminal history score zero, and only 13.6% at severity level II, criminal history score zero. Carver and Scott counties also had lower jail rates for offenders with a severity level I offense.

It is difficult to make an accurate assessment of how dependent the use of jail in felony sentencing might be on the availability of jail resources. Jails are used for multiple purposes including incarcerating misdemeanants and gross misdemeanants, juveniles, and pre-trial individuals who may not ultimately be convicted. This particular study only focuses on convicted felons. It is, however, interesting to look at the existing jail facilities for those counties who used jail the least frequently and for those that used jail most frequently. The following information on jail facilities was made available by the Department of Correction's Jail Inspection Unit.

Among those counties that used jail the least frequently, Carver county had a jail facility in 1987 but it did not meet Department of Corrections (DOC) Rule requirements. Since 1989, the county has had a limited use agreement for their own facility. Scott county had, and continues to operate, an approved jail with a capacity of 43 beds. Benton county had and continues to operate with a 72 hour holding facility with a capacity of 4 beds. Benton county would rent space with surrounding counties such as Sherburne, Mille Lacs, and Isanti for longer term offenders. Ramsey county had an Adult Detention Center, a holding Annex, and an Adult Correction Center with an existing capacity of 477 and an approved capacity of 395. The county currently (F.Y. 1990) has an existing capacity of 489 but the approved capacity remains at 395.

Among those counties that used jail the most, Dodge and Red Lake did not and still do not have jail facilities. Dodge county rents space primarily with Olmsted county but also uses Fillmore county. Red Lake rents space with Polk county. Fillmore county has its own jail, but in 1987 the facility did not meet the DOC Rule requirements. Swift county had and has its own jail with an existing and approved capacity of 12.

Gender and Race

As was noted above, a higher percentage of males received pronounced jail as a condition of probation than did females, 77% and 46% respectively. Generally, jail resources are more scarce for females than for males. Also, females tend to be convicted of property crimes, primarily welfare fraud, and offenders convicted of property crimes have a lower jail rate than offenders convicted of other felony offenses. Interestingly, 36% of all female offenders in this study were convicted of welfare or food stamps fraud compared to only 2% of the males. Both males and females had a fairly low jail rate for this offense: 26.9% for females and 37.8% for males.

Female offenders had a lower jail rate than male offenders at all severity levels, at all criminal history scores and in nearly every cell in the grid.

There were a few counties where female offenders had a higher jail rate or just slightly lower jail rate than male offenders: Aitkin, Blue Earth, Chisago, Dodge, Fillmore, Pine, Sherburne, Stearns, and Swift.

Jail rates varied somewhat by the race of the offender. White and African American offenders had about the same overall jail rate of 70.8% and 70.2% respectively. American Indians had a higher overall jail rate of 78.4% and the remaining racial group, including Hispanics and Asians had the lowest jail rate of 60.4%. In particular, American Indians had a higher jail rate than the other racial groups at severity levels I and IV where the jail rate was over 85%.

Sentencing practices for minorities were greatly affected by the geographical sentencing practices. Nearly 93% of all African Americans in the sample were sentenced in Hennepin (61%) or Ramsey (32%) counties. Approximately 51% of the American Indians were sentenced in Hennepin (39%) or Ramsey (12%) counties with nearly 22% sentenced in St. Louis county. Other racial groups, Hispanics and Asians, were mostly sentenced in Hennepin (40%) and Ramsey (35%) counties.

The following chart displays pronounced jail rates by race for each of the counties where the minority population was at least 10 cases.

Pronounced Jail Rates by Race
for Certain Counties with Racial Minorities

	White		African American		American Indian	
	%	(Total Cases)	%	(Total Cases)	%	(Total Cases)
Hennepin	69.6	(572)	73.9	(434)	74.5	(69)
Mille Lacs	72.7	(25)			100.0	(11)
Polk	72.2	(59)			100.0	(12)
Ramsey	54.3	(431)	61.7	(228)	73.6	(21)
St. Louis	70.8	(266)	88.9	(11)	83.9	(32)

Employment at Sentencing

Offenders who were employed at time of sentencing were somewhat less likely to have received jail as a condition of probation than those who were unemployed. Among those offenders employed full time at time of sentencing, 66.1% had pronounced jail time

compared to 70.1% for offenders employed part time at sentencing, and 74.9% for offenders who were unemployed at sentencing. These rates vary in a similar pattern for males and by race, but the rates do not vary for females. While it is not surprising that the jail rates are less for employed offenders, the difference would not be expected to be great given that many jail and workhouse facilities have work release programs.

Other Factors

The jail rate as a condition of probation was notably higher for offenders whose alcohol use was heavy or addicted (82%) compared to offenders whose alcohol use had been identified as moderate, infrequent, or none (60%). Those offenders who were identified as heavy alcohol users or addicted were characterized as having problems with jobs, family, and other aspects of their personal life as a result of alcohol abuse.

While only about 80 offenders went to trial in the sample, these offenders had the highest jail rate (nearly 86%). The types of offenses the offenders who went to trial were convicted of varied and included about 30% drug offenders, 30% person offenders, and nearly 40% property offenders. Offenders who pled without any plea negotiations received jail as a condition of probation 67% of the time. Among those offenders who negotiated a plea: 76% of those offenders with a charge negotiation only received jail; 67% of those offenders with a sentence negotiation received jail; and 73% of those with both a sentence and charge negotiation received jail.

Huber Law

It is interesting to look at the use of huber jail time among those who receive jail as a condition of probation. Generally, about 32% of those with pronounced jail time were given huber jail time. Males were given huber time slightly more frequently than females; 33.1% compared to 26.3%. The use of huber time varied considerably by race with whites and the other racial minorities receiving huber more frequently: whites = 37.4%; African Americans = 14.8%; American Indians = 12.5%; and the other racial groups = 31.4%.

Again, some of the racial differences can be explained by geographical variation in the use of huber time. Hennepin and Ramsey counties, where the majority of the minorities are convicted, have a relatively low use of huber time; Hennepin at 18.4% and Ramsey at 24.1%. Both counties are below the sample average in the use of huber time. The following counties use huber time in nearly 50% or more of the cases where jail is pronounced as a condition of probation:

<u>County</u>	<u>% Huber</u>
Anoka	53.2
Carver	100.0
Chisago	57.5
Crow Wing	60.6
Morrison	71.7
Nicollet	52.6
Norman	80.0
Pine	50.2
Rice	51.5
Scott	49.4
Stearns	65.9
Todd	47.5
Washington	49.0

The use of huber time was higher for those offenders with zero criminal history at 39.0%. Those offenders with a criminal history received huber time in about 25% to 30% of the cases where jail was a condition of probation. The use of huber did not generally vary by severity level with the rate of huber around 30%. However, the huber rate was much higher at severity level VIII at 58.7%. (There were only 49 cases at this severity level.) These was more variation in the use of huber time with regard to the type of offense the person was convicted of. Offenders convicted of drug crimes and crimes against the person were more likely to receive huber time: 48.0% for drug offenders and 37.3% for person offenders compared to 26.3% for property offenders and 28.7% for offenders convicted of other felonies.

Pronounced Jail Lengths and Actual Jail Served

Average Pronounced Jail Lengths

The average length of pronounced jail time was 123 days. The average length varied by severity level ranging from an average of 93 days at severity level I to 296 days at severity level VIII. The average pronounced jail term also generally increased at each criminal history score, except the average was slightly lower at criminal history 6 or more than at criminal history score 5. The average length of pronounced jail time was the greatest for person offenses at 185 days. The average was 109 days for property offenses and 91 days and 89 days for drug offenses and other offenses, respectively.

The average length of pronounced jail time also varied considerably by county. The lowest average length of pronounced jail time was in Benton county with 29 days. The highest average was in Blue Earth county with 330 days. The metro area pronounced

jail averages varied also; Hennepin county with 169 days, Ramsey county with 103 days, Anoka with 84 days, Carver with 173 days, Dakota with 73 days, Scott with 74 days, and Washington with 68 days. (See APPENDIX for specific listing by county.)

Just as males carried a higher rate of jail than females, they also received longer average pronounced jail lengths: 129 days for males compared to 84 days for females. Average pronounced jail lengths were the shortest for white offenders at 119 days and longest for Hispanics and Asians at 152 days. African Americans had an average pronounced jail length of 132 days and American Indians at 141 days.

The average pronounced jail length varied somewhat by whether the offender was employed at time of sentencing. For those offenders not employed the average was 141 days compared to 111 days for offenders employed part time and 100 days for offenders employed full time. The averages did not vary by primary type of occupation except that the average was considerably greater for offenders with professional or managerial occupations (43 cases) at 178 days.

Average Percentage of Pronounced Jail Time Served

Offenders do not necessarily serve the full amount of jail time pronounced by the judge due to good time provisions and early releases. The average percentage of pronounced jail time actually served was quite high at nearly 80%. This average includes any additional noted time spent in jail due to a probation violation. Excluding those offenders who had additional jail time imposed, the percentage of time served was still quite high at nearly 77%. Jail time served includes both pre and post trial time.

For those offenders who did not violate their probation, there was not a great deal of variation in the percentage of pronounced jail time served by the various breakdowns used in this study. There was more variation if those offenders who violated their probation had been included because those figures would take into account the additional jail time that might have been imposed on some of the offenders. Unfortunately we cannot determine the precise amount of jail time served that is associated with the original pronounced sentence.

There was variation by county in the average percentage of pronounced jail time served. While Benton had one of the lowest jail rates and the lowest average pronounced jail length, offenders served nearly 96% of the jail time pronounced by the judge. Conversely, in Blue Earth county which had one of the highest jail rates and the highest average pronounced jail length, offenders served less than 32% of the jail time pronounced by the judge. Other counties with a high average percentage of pronounced jail time served included Carlton (92.2%), Wadena (100.0%), and Washington (91.2%). Other counties with a fairly low average percentage of pronounced jail time served included Dodge (45.1%), Fillmore (40.6%) and Swift (23.9%). These

three counties all had high jail rates and high average pronounced jail time. Interestingly, in Hennepin county offenders served about 66% of the pronounced jail time compared to 88% in Ramsey county.

Average Jail Time Served

While it is the case that offenders do not necessarily serve the full amount of jail time pronounced by the judge, other offenders serve time in jail prior to sentencing but not as a condition of probation. It is important to consider all offenders who serve time in jail, whether prior to sentencing, after sentencing, or both. A judges' decision to pronounce jail as a condition of probation could be dependent on whether the offender has already served time in jail awaiting sentencing. Generally, when all offenders who serve time in jail in connection with their felony offense are considered, the percentage of offenders who serve time in jail was much higher at 84.8% than when considering only those offenders who received pronounced jail as a condition of probation (70.7%).

When considering those offenders who actually served some time in jail, either pre sentence, post sentence, or both, the average length of time served was 69 days. The averages generally increase by severity level and criminal history score ranging from 49 days at severity level I to 197 days at severity level VIII and from 54 days at criminal history score of zero to 138 days at a criminal history score of 6 or more. Person offenders served an average of 113 days with property offenders serving an average of 62 days and both drug and other offenders serving an average of 45 days.

There was wide variation by county with regard to the use of jail. The percentage of offenders who actually served time in jail ranged from 50.0% in Red Lake county to 100.0% in Blue Earth county. The average length of jail time served ranged from 33 days in Benton, Scott, and Wright counties to 141 days in Aitkin county.

Males served more than twice as much time in jail as females with an average of 76 days compared to 31 days for females. The average time served in jail was the same for whites and African Americans at about 68 days but much higher for American Indians at 95 days and somewhat higher for Hispanics and Asians at 76 days.

Those offenders who were unemployed at time of sentencing served an average of 83 days in jail compared to 63 days for those employed part time and 53 days for those employed full time.

Fines

Fine Rates

Of all of the major sanctions discussed in this report, the fine was used the least. Fines were pronounced in only 10.5% of all cases in the sample. Also, among those offenders who had a pronounced fine, it was rarely (6.6%) the only sanction (in addition to probation). Most offenders with a pronounced fine (67.5%) also had jail time pronounced as a condition of probation. A large percentage of offenders with a pronounced fine also had restitution as a sanction (45.5%) and a significant number of offenders with a pronounced fine also were required to complete either residential or nonresidential treatment (36.6%). Only a small percentage of those offenders with a pronounced fine also received community work service (8.9%).

The percentages noted above do not add up to 100.0% because most offenders received multiple sanctions and the breakdowns are not mutually exclusive.

Severity Level / Criminal History / Offense Type

The highest rate of fines were for offenders convicted of severity level V and VI offenses at nearly 14%. The fine rate was 10.6% at severity levels I and II and 9.3% at severity levels III and IV. The fine rate was only 4.4% at severity levels VII and VIII.

With regard to criminal history, the lower the criminal history the more likely that an offender received a pronounced fine. Over 12% of the offenders with a zero criminal history score received a pronounced fine compared to 9.1% of offenders with a criminal history score of 1 or 2 and compared to only 4.3% for offenders with a criminal history score of 3 or more.

Fines were used most often for drug offenders (20.4%) and least often for property offenders (7.8%). About 11.5% of the person offenders received a pronounced fine and 13.5% of those offenders convicted of some other type of offense.

Geographical Area

Fine rates varied a great deal by county and tended to be used more often in the rural areas of the state. There were 5 counties in the sample where fines were not pronounced at all: Aitkin, Blue Earth, Dodge, Fillmore, and Todd. In those counties where fines were used, the pronounced fine rates ranged from as low as 1.3% in Olmsted county, 1.5% in Ramsey county, and 1.9% in St. Louis county to 60.5% in Chisago county, 81.1% in Polk county and 100.0% in Lac Qui Parle county. The

following chart displays the counties in the sample that used fines, grouped into ranges of pronounced fine rates.

Pronounced Fine Rates by County

Less than 10%	10% to 50%	51% to 100%
Anoka	Benton	Chisago
Crow Wing	Carlton	Kandiyohi
Hennepin	Carver	Lac Qui Parle
Mille Lacs	Chippewa	Norman
Morrison	Dakota	Polk
Olmsted	Lake	Swift
Pine	Nicollet	
Ramsey	Red Lake	
St. Louis	Rice	
Washington	Scott	
Winona	Sherburne	
	Stearns	
	Wadena	
	Wright	
	Yellow Medicine	

It should also be noted that while not all judicial districts are equally represented by the sample of counties in this study, the 8th and 9th judicial districts had the highest pronounced jail rates at 62.4% and 40.5% respectively. The 1st judicial district had the next highest pronounced fine rate at 21.1% followed by the 7th judicial district at 16.2%.

Gender and Race

Fines were pronounced in only 3.4% of the cases with female offenders compared to 12.2% for male offenders. Even when controlling for whether the offender was employed at the time of sentence, there were still appreciable differences in the rate of pronounced fines, 19.2% for full time employed males compared to 5.0% for full time employed females.

Pronounced fine rates also varied by race with white offenders having the highest fine rate at 12.6%. African Americans were only fined in 2.2% of the cases and American Indians were fined in 6.4% of the cases. The other racial groups were given a pronounced fine in about 8% of the cases. As was noted above, most of the minorities, particularly the African Americans and American Indians, were sentenced in Hennepin, Ramsey, and St. Louis counties. All three of these counties had very low fine rates at 3.4%, 1.5%, and 1.9% respectively.

Employment Related Factors

It might be expected that the decision to pronounce a fine for a particular offender may depend on factors related to employment. The pronounced fine rate for offenders who were employed full time at sentencing (16.7%) is considerably higher than for offenders who were not employed at time of sentencing (5.1%). Offenders who were employed part time at sentencing had a pronounced fine rate of 11.7%.

The data also shows that twice as high a percentage of offenders who had stable full time employment received a pronounced fine (21.9%) than offenders who had a sporadic work record (9.2%). Offenders who were virtually never employed or had not developed a work record yet due to youth were given pronounced fines in less than 5% of the cases.

There is also some variation in the use of fines by the primary occupation of the offender. The highest pronounced fine rate was among agricultural workers where nearly 30% were fined. However, the overall number of offenders in this category was very small, a total of 22. Other categories of occupation and their corresponding pronounced fine rates are as follows: Skilled 20.1%; Professional 16.9%; Self employed 15.3%; Other white collar 12.1%; Unskilled 9.1%. The lowest use of fines was with offenders who had no identifiable occupation at 4.1%.

Fine Amounts and Collection

Average Pronounced Fines

The average pronounced fine was approximately \$700 overall. The fine amounts ranged from \$75 to \$5,000 and the total sum of fines pronounced was \$300,792. This total figure is quite large given such a small percentage of offenders were fined (10.5%). There is great potential to generate a significant intake of dollars should fines be used more extensively.

Average pronounced fines varied somewhat by the various breakdowns explored in this report. The average pronounced fines increased by the severity of the conviction offense. The average for: severity levels I and II was \$557, severity levels III and IV was \$655, severity level V and VI was \$885 and severity level VII and VIII was \$1,500 (only 3 cases). Averages did not vary much by criminal history score. At zero criminal history the average was \$680, at criminal history 1 and 2 the average was slightly more at \$721, and at a criminal history of 3 or more the average was slightly less at \$644. Averages were approximately the same for person offenses (\$641) and property offenses (\$633) but higher for drug crimes (\$740) and other types of offenses (\$1,370, only 14 cases).

As was discussed above, there were not too many counties that used fines on an extensive basis. Looking at those counties where fines were pronounced for at least 20 offenders, there was variation in the average amounts. The lowest average fine amounts were in Dakota (\$429), Polk (\$468), and Rice (\$434). Averages that were higher than the overall average were found in Anoka (\$1,257), Carver (\$772), Hennepin (\$1,222), and Kandiyohi (\$1,356) counties. The range of fines pronounced was wide in most of these counties with the narrowest ranges found in Polk county (\$150 to \$750) and Rice county (\$150 to \$800).

Fines were used more frequently for males than females and the average pronounced fine was greater for males (\$707) than females (\$438). There were differences among racial breakdowns as well but the number of cases where minorities were fined was extremely small. (Only 16 African Americans, 12 American Indians, and 9 other racial minorities were fined.)

The average pronounced fine for those employed full time at sentencing was not greater than for other offenders as might be expected. The average fine for offenders employed full time at sentencing was actually less (\$643) than for others (\$767). Looking at average pronounced fines by primary type of occupation shows that those who were owners of businesses, self employed, and professional or managerial had the highest average pronounced fines.

Fine Collection: Average Percentage of Pronounced Fine Collected

While fines as a sanction were not widely used, the collection of the fines that were pronounced was exceptionally high. Nearly 82% of those who received a pronounced fine paid at least some portion of the fine.

In addition, within the time frame of the study, approximately 80% of the amount of fines pronounced had been paid. (This figure represents offenders whose probation was not violated and who were therefore, not given additional fine amounts due to the violation.) Roughly, the time frame of the study would allow for at least two years for the collection of the fine and in some cases up to three years. This high percentage of collected fines again demonstrates that the state could create a meaningful funding source should fines be used more extensively across the state in the future.

The highest average percentages of pronounced fine collected were for males, white offenders, offenders convicted of severity level III and IV crimes, offenders convicted of crimes against the person, offenders whose primary occupation was skilled or self-employed, and offenders who were employed full time at sentencing.

There were 14 counties that had an average percentage of fine collection of 90% or more. Most of these counties, however, were collecting fines on fewer than 10 cases.

The following counties in this group had 10 or more cases with average percentages of 90% or more: Carver, Hennepin, Ramsey, Rice, Scott, and Sherburne.

Another way of looking at the success of fine collection is that within the time frame of the study, over 62% had completed payment of their fines and about 24% were still paying on their fines. The courts were no longer trying to collect the fine in less than 7% of the cases where a fine was pronounced. Thus, for those groups of offenders whose average percentage of pronounced fine collected was not as high as other groups, it is apparent that efforts were still being made to collect the fine and that these offenders had at least paid some portion of their fine.

Actual Fines Collected

Data was collected on the actual amount of fine paid by any offender who received a fine. In some cases we were unable to determine the amount of fine that was collected. Also, some offenders were given fines as a result of a probation violation and were not originally given a pronounced fine. Some offenders who were given a pronounced fine were also given additional fines to pay due to a probation violation. It is interesting to report the actual amount of fines paid by the offenders in the study but it is important to understand the limitations of the data.

The average amount of fine collected overall was \$528 for a total sum of \$203,747 for the 37 counties in the sample. The following counties collected more than \$10,000 in fines, though most of these counties used fines in only a very small proportion of the cases: Carver, Dakota, Hennepin, Polk, Ramsey, Sherburne, and Stearns.

Restitution

Restitution Rates

Restitution was pronounced for about half (50.8%) of the offenders in the sample. Just as was true for jail and fines, restitution was rarely the only sanction pronounced (10.8%) in addition to probation. The most common combination of sanctions for those who were given restitution was restitution and jail (28.5%) and restitution and jail plus other sanctions as well (38.6%). The total percentage of offenders who were given restitution who also received pronounced jail time was 67.1%. About 10% of those given restitution also received community work service (in addition to probation) with only about 2% receiving restitution and a fine (in addition to probation). The remaining 5% of those who were given restitution received at least two other major sanctions (in addition to probation).

Severity Level / Criminal History / Offense Type

The greatest use of restitution was at severity levels I through IV where approximately 55% of the offenders received restitution. Only about 35% of the offenders at severity levels V through VIII received restitution. This difference reflects the practice that property offenders were more often given restitution than person offenders as most of the property crimes are ranked at severity level I through IV. Property offenders were given restitution in about 69% of the cases and person offenders were given restitution in about 29% of the cases. Only about 5% of the drug offenders were given restitution, which was typically to pay back drug buy funds, and about 20% of those offenders convicted of other types of crimes were given restitution.

Those specific crimes where restitution was given most frequently include: welfare fraud 92%, food stamp fraud 96%, aggravated criminal damage to property 92%, theft by check 78%, burglary 67%, unauthorized use of a motor vehicle 65%, and check forgery 62%.

There was not much variation between offenders with low versus high criminal history scores with regard to the rate of restitution.

Geographical Area

The majority of the counties in the sample had restitution rates of over 50%. The following table displays those counties that had less than 50% restitution rates, those counties with 50% to 69% restitution rates and those counties with 70% or more of the cases receiving restitution.

Restitution Rates by County, in Ranges

<u>Less than 50%</u>	<u>50% - 69%</u>	<u>70% or more</u>
Aitkin	Anoka	Benton
Carlton	Blue Earth	Chippewa
Dakota	Carver	Chisago
Hennepin	Crow Wing	Dodge
Red Lake	Fillmore	Kandiyohi
Scott	Lac Qui Parle	Morrison
Swift	Lake	Norman
Washington	Mille Lacs	Rice
Wright	Nicollet	
Yellow Medicine	Olmsted	
	Pine	
	Polk	
	Ramsey	
	St. Louis	
	Sherburne	
	Stearns	
	Todd	
	Wadena	
	Winona	

Some of the differences in the restitution rates by county may be explained by the proportion of property crimes in each of the counties. Yet, there still are differences by county even when restitution rates are examined for property crimes only. Most counties had restitution rates between 70% and 90% for property offenders. Several had rates over 90%: Aitkin, Dodge, Fillmore, Kandiyohi, Lake, Morrison, Rice, Swift, and Todd. Several others had rates less than 70%: Carlton, Dakota, Hennepin, Lac Qui Parle, Olmsted, Ramsey, Red Lake, Scott, Washington, and Wright.

Gender and Race

While males had higher rates of jail and fines than females, the restitution rates were higher for females, 67% compared to 45% for males. The higher rate for females was primarily due to more females being convicted of property offenses than males. It was, however, the case that among property offenders females still had a higher rate of restitution than males: 81% for females compared to 66% for males. The explanation for this difference is that females were convicted of welfare fraud and food stamp fraud more frequently than males. These two offenses had the highest restitution rates of all

the specific offenses. Males tended to be convicted more frequently of other types of property crimes such as theft and burglary which carried lower overall restitution rates. When looking at just those offender convicted of welfare and food stamp fraud, males and females had the same rate of restitution at 93%.

White offenders had a somewhat higher rate of restitution than minorities with 53% of the whites receiving restitution, 45% of the African Americans, 41% of the American Indians, and 39% of the other racial minorities. Whites maintained a higher restitution rate than minorities for person offenses and for property offenses.

Employment at Sentencing

Restitution rates did not vary overall by whether the offender was employed at time of sentencing. The rates did vary however for females, African Americans, and American Indians. Among these groups, restitution rates were higher for those employed part time or full time as compared to those not employed at time of sentencing. For females, 80% of those employed part time and 74% of those employed full time at sentencing received restitution compared to only 59% of those who were not employed at time of sentence. For African Americans, about 50% of those employed part time and 56% of those employed full time at sentencing received restitution compared to 39% who were not employed. The same pattern was noted for American Indians.

Restitution Amounts and Collection

Average Amount of Pronounced Restitution

Restitution is a unique type of sanction because many believe that restitution is not a sanction at all. Its purpose is viewed by many as restoring the victim to his or her pre crime state. In fact, victims rights laws, Minn. Stat. § 611A.04, provide that the "victim of a crime has a right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender." The victim can pursue civil proceedings to collect restitution that is not paid in full. Therefore, it is not surprising that the average pronounced amount of restitution of \$3,079 was substantially higher than the average pronounced fine of \$700 and that restitution was pronounced much more frequently.

Pronounced restitution amounts ranged from \$9 to over \$80,000. (The specific amount of restitution was not collected when the amount was more than \$77,776.) The total amount of restitution pronounced in the 37 county sample was more than \$5,600,000.

The average amount of pronounced restitution did vary by severity level and type of offense. Those convicted of severity level III and IV offenses had the highest average pronounced restitution as did offenders convicted of property crimes. It is reasonable to assume that property offenses would involve higher amounts of restitution where the loss to the victim is more readily identified. Average amounts of pronounced restitution did not vary to any degree by the criminal history score of the offender. The following table summarizes the average pronounced restitution by severity level and offense type:

Average Amount of Pronounced Restitution
by Severity Level and Offense Type

<u>Severity Level</u>	<u>Avg. Amount</u>	<u>Offense Type</u>	<u>Avg. Amount</u>
I -II	1,763	Person	950
III - IV	4,385	Property	3,265
V - VI	904	Drug	992
VII - VIII	1,552	Other	8,170

While females were jailed and fined on the average far less than males, females were given twice the average amount of restitution than were males; \$4,513 for females compared to \$2,476 for males. Again, much of this difference can be explained because of the high incidence of convictions for welfare and food stamp fraud among females. Looking at just welfare and food stamp fraud cases, the averages between males and females were much closer; \$6,094 for females and \$5,018 for males.

Racially, African Americans received the highest average amount of pronounced restitution at \$4,416. This compares to \$2,897 for whites, \$1,884 for American Indians, and \$2,307 for Hispanics and Asians.

Offenders employed at time of sentence received higher amounts of pronounced restitution on the average (\$4,361) than did offenders who were employed part time (\$2,749) or not at all (\$2,059). Also, offenders whose primary occupation was self-employment (\$7,272), professional or managerial (\$28,185), or other white collar (\$5,924) had the highest average amounts of pronounced restitution.

Restitution Collected: Average Percentage of Pronounced Restitution Collected

While the average amount of pronounced restitution was substantially greater than for pronounced fines, the average percentage of pronounced restitution collected was far less; approximately 52%. It seems obvious that the greater the amount of a financial

sanction, the longer it would take an offender to pay that amount in full. In some cases, the amount of restitution would simply have been impossible to pay within the time frame of the study.

The average percentage of pronounced restitution collected did not vary much by severity or history. The average percent collected was higher for offenders convicted of crimes against persons (68.8%). The average amounts of restitution were less for person offenders than property offenders which might explain the higher proportion paid. Also, perhaps more emphasis was placed on recovering restitution for personal victims as opposed to recovering restitution for businesses.

The average percentage of pronounced restitution collected did vary by county. Most counties had collected between 40% and 70% of the pronounced restitution. The following counties had collected more than 70%: Benton, Carver, Chippewa, Fillmore, Lac Qui Parle, Winona, and Wright. The following counties had collected less than 40%: Aitkin, Carlton, Chisago, Norman, Pine, Todd, and Wadena.

While the average percentage of pronounced restitution collected was somewhat higher for whites than minorities, there was no difference between males and females. Also, collection was not as great for offenders who were unemployed at time of sentence compared to those who were employed.

About 65% of those offenders who had pronounced restitution paid at least some portion of the amount pronounced. Overall, about 36% had completed paying their restitution, 40% were still paying, and 18% had not paid their full restitution but there were no longer any attempts to finish collecting. Nearly 75% of those offenders for whom the county had given up on were unemployed at time of sentencing.

The county had given up trying to collect restitution on a greater proportion of males than females; 22% of the males compared to 6% of the females and a greater proportion of African Americans and American Indians than whites; 23% of the African Americans and 27% of the American Indians compared to 16% of the whites.

Generally, the greater the criminal history of the offender, the greater the proportion of offenders for whom the county had given up trying to collect restitution.

The following counties had given up on trying to collect restitution on more than 30% of the restitution cases: Aitkin, Lake, Mille Lacs, and St. Louis. However, other than St. Louis, the number of cases with restitution was less than 25.

Average Amount Restitution Collected

The overall average amount of restitution collected in the 37 county sample was \$1,241. However, the exact amount of restitution collected within the time frame of the study is not known because of unavailable information and because amounts over \$77,776 were not specific. The total estimated amount of collected restitution was approximately \$2,000,000 which is a substantial sum. Any changes in practices or policy regarding other financial sanctions such as fines and court reimbursements must take into account the amount of restitution the offender is required to pay in order to understand the overall financial obligation to the offender.

The average amounts of restitution collected generally follow the same patterns as for pronounced restitution except that the amounts collected are substantially less than the amounts pronounced. However, while the average pronounced amount of restitution was greater for females than males, the average amount of restitution collected was less for females than males; \$1,268 for females compared to \$1,559 for males.

Community Work Service

Community Work Service Rates

Community Work service was pronounced as a condition of probation in 17.4% of the cases in the sample. As with many of the other sanctions discussed in this report, community work service was rarely the only intermediate sanction imposed. Among those offenders receiving community work service, it was the sole sanction in only 13.0% of the cases. Most offenders received a combination of community work service and other sanctions such as fines, restitution, jail and or treatment. Of those offenders for whom community work service was pronounced, 33.9% also received jail time and 17.6% also received restitution.

Severity Level

The highest rates of community work service were at severity levels II and III (38.7% and 29.8%). The rates for the other severity levels were 15.1% at severity level I; 13.1% at severity level IV; 2.5% at severity level V; 8.7% at severity level VI; 5.6% at severity level VII; and 5.5% at severity level VIII. One reason that the rate of community work service was higher at severity levels II and III, is that the greatest percentage of property offenders were at these severity levels. Property offenders received community work service as a sanction at a higher rate than other types of offenders. In addition, women offenders received community work service at higher rates than male offenders. The offenses committed by female offenders tended to be concentrated in severity levels II and III, particularly Welfare and Food Stamp Fraud.

Criminal History

The highest rate of community work service as a sanction was for offenders with a zero criminal history score (24.1%). Offenders with a history score of one to two had a community work service rate of 8.5% and offenders with three or more criminal history points had a rate of 5%.

Offense Type

As was mentioned in the section dealing with severity level, property offenders had the highest rate of community work service pronounced. Community work service was pronounced as a sanction at a rate of 22.2% for property offenders; 12.4% for other types of offenders; 10.7% for drug offenders; and 7.6% for person offenders. Community work service was most frequently used when the victim was a business or institution (27%).

Welfare Fraud and Food Stamp Fraud had high rates of community work service pronounced as a condition of probation (46.8% and 49.5%). Theft offenses also tended to have high rates.

Geographical Area

As with the other sanctions discussed in this report, the rate at which community work service was pronounced as a condition of a stayed sentence varied widely across counties. Morrison county had the highest rate at 65%. In ten of the 37 counties sampled there were no cases which received community work service as a sanction. There were also six counties that had community work service rates of over 30% (Blue Earth, Crow Wing, Kandiyohi, Mille Lacs, Morrison, and Wadena). The table below lists each county and the percent of cases for which community work service was pronounced.

Community Work Service Rates by County

<u>0%</u>	<u>1 to 19%</u>	<u>20-29%</u>	<u>30% and Over</u>
Carver	Benton	Aitkin	Blue Earth
Chippewa	Carlton	Anoka	Crow Wing
Dodge	Chisago	Fillmore	Kandiyohi
Lac Qui Parle	Dakota	Lake	Mille Lacs
Nicollet	Hennepin	Polk	Morrison
Norman	Olmsted	Ramsey	Wadena
Pine	Rice	Red Lake	
Swift	Scott	St. Louis	
Winona	Sherburne	Stearns	
Yellow Medicine	Todd		
	Washington		
	Wright		

Gender and Race

A significantly higher percentage of female offenders received community work service (38.6% of females as compared to 12.1% of males). As noted above, Welfare and Food Stamp Fraud had very high rates of community work service. Female offenders were convicted of these offenses more often than male offenders (36.1% compared to 2.3%). In addition, 73% of female offenders had a criminal history score of zero as compared to 56.8% of the male offenders in the sample.

The overall patterns observed by sex generally held true across counties, with the exception of Olmsted and Polk counties. In Olmsted county, 11.1% of female offenders received community work service as compared to 14.8% of male offenders. In Polk county the rate was 60.2% for male offenders and 14.4% for females. There were also some counties for which the difference between the rate of community work service for men and women was even more striking than the overall figure. These counties were: Anoka (72.6% of women as compared to 5.6% of men); Lake (100% of women as compared to zero men); Mille Lacs (83.3% of women as compared to 38% of men) and Washington (33.3% of women and zero men).

The rate of community work service pronounced as a condition of probation was fairly similar for all races except Hispanics and Asians. The rate was 17.8% for whites; 16.8% for African Americans; 16.8% for American Indians and 12.5% for Hispanics and Asians. It should be noted that the number of Hispanics and Asians that was sampled was relatively small (2.6% of all cases in the sample). This pattern generally held across offense type, with the exception of drug offenders. Among offenders convicted and sentenced for drug offenses, 18.5% of American Indians received community work service as compared to 16.1% of African Americans, 10.2% of whites, and no Hispanic or Asian offenders. There were some counties in which the patterns by race were different. In Ramsey County, community work service was pronounced for 29.2% of African Americans, 28.6% of Whites, 19.0% of Hispanics and Asians, and 6.3% of American Indians. In St. Louis County, community work service was pronounced for 23.4% of Whites, 22.2% of African Americans, 5.7% of American Indians and no Hispanic or Asian offenders (Note: There were a relatively small number of Hispanic and Asian offenders, 1.3% of the cases sampled in St. Louis County). In addition, Anoka, Carlton, Dakota, Mille Lacs, Olmsted, Polk, Scott, Stearns, Todd and Washington county had community work service rates that varied somewhat by race. However these counties had very small numbers of minority offenders and the percentages for those groups are therefore not as reliable or as easily interpreted.

Employment at Sentencing

Offenders who were employed at time of sentencing were more likely to receive community work service as a condition of probation. The rates were 21.7% for those employed part-time/sporadically; 20.3% for those employed full time; and 14.3% for those not employed at time of sentence. Although the rate was lower for offenders who were not employed, it should be noted that this group made up a large percentage of the sample. Therefore, although only 14.3% of those not employed received community work service as a sanction, 40% of those who received community work service were not employed.

Pronounced Length of Community Work Service and Actual Community Work Service Served

Average Pronounced Community Work Service

The average length of community work service pronounced by the courts was 135 hours. The range was 10 to 960 hours. The average varied somewhat by severity and history. The average was 125 hours for severity Levels I-II; 140 hours for severity levels III-IV; 141 hours for severity levels V-VI and 198 hours for severity levels VII-VIII. The average was 129 hours for offenders with a history score of zero; 162 hours for those with a history score of one to two; and 147 hours for those with a history score of three or more.

The rate of community work service as a sanction was greatest for property offenders. However, the average length of community work service was lowest for this type of offender (129 hours). The average was 135 hours for person offenders; 169 hours for drug offenders and 198 hours for other types of offenders.

The average length of community work service pronounced varied considerably by county. Scott county had the highest average at 500 hours. However, the number of offenders in the Scott county sample who received this sanction was very small. Excluding Scott county, the counties with the highest average lengths of pronounced community work service were: Aitkin (242 hours), Carlton (223 hours), St. Louis (210 hours), Stearns (190 hours) and Polk (180 hours). The counties with the lowest average lengths pronounced community work service were Wadena (30 hours), Todd (31 hours), Sherburne (40 hours) Wright (50 hours), Rice (52 hours) and Morrison (68 hours). Ramsey and Hennepin counties had the largest number of offenders receiving community work service (although they did not have the highest rates). The average length of community work service pronounced was 116 hours in Ramsey and 150 hours in Hennepin.

Although a higher percentage of female offenders received community work service as a sanction, the average length of community work service pronounced was greater for male offenders. The average was 147 hours for males (ranging from 10 to 960 hours) and 119 for female offenders (ranging from 20 to 530 hours). This difference is due primarily to the large percentage of offenders convicted of Welfare and Food Stamp Fraud. The average pronounced community work service for these offenses was the same for males and females (115 hours). As noted earlier, however, a much greater percentage of female offenders were convicted of these offenses.

The average length of community work service that was pronounced by the court also varied somewhat by race with the average being 140 hours for white offenders; 104 hours for African American offenders; 158 hours for American Indian offenders; and 130 for Hispanics and Asians.

The average community work service pronounced was 138 hours for those not employed; 109 hours for those employed part-time or sporadically; and 140 hours for those employed full-time.

Average Percentage of Pronounced Community Work Service Served

The average percent of pronounced community work service which was completed was fairly high at 76%. Of offenders receiving community work service as a condition of probation, 82% had completed at least some of the hours of community work service that was imposed; 69% completed all of the hours and 12% were continuing to perform their community work service.

As has been discussed in the sections on other types of sanctions, the data available on the amount of community work service performed includes all the hours served by the offender and may include additional hours imposed because of probation violations. The data indicate that 10% of offenders who received community work service as a condition of probation received additional community work service as a result of violating their probation. For these cases, we cannot determine what proportion of the community work service performed was associated with the original pronounced sentence. If these offenders are excluded from the analysis, the percentage of community work service completed increases to 78%.

Because of the problem described above, offenders who received additional community work service due to probation violations are excluded from the following analysis by sex, race, county and employment at sentencing.

The percentage of the pronounced community work service that was completed by the time the data for this study was collected did vary by both race and sex. Generally females had completed a greater proportion of their community work service than males (85% as compared to 73%). Hispanics and Asians had the highest percentage of community work service completed at 98%, followed by Whites (81%), American Indians (69%) and African Americans (66%).

The average percent completed did not vary greatly by employment at sentencing. The highest percentage was for those not employed (80%), followed by those employed full-time (76.5%), and those employed part-time or sporadically (76.1%).

The greatest variation in the percentage of community work service completed was by county. The table below groups counties by whether the average percent of community work service completed was 0-50%, 51-74% or 75-100%.

Average Percent of Community Work Service Completed
By County

<u>0-50%</u>	<u>51-74%</u>	<u>75-100%</u>
Aitkin	Benton	Anoka
Washington	Blue Earth	Carlton
	Chisago	Dakota
	Crow Wing	Fillmore
	Hennepin	Lake
	Kandiyohi	Morrison
	Mille Lacs	Ramsey
	Polk	Rice
		St. Louis
		Stearns
		Wadena
		Wright

Average Community Work Service Served

The average amount of community work service completed was 120 hours. The average includes all community work service performed, including additional hours due to probation violations.

Female offenders served an average of 105 hours of community work service, as compared to 132 hours for male offenders. As was discussed above, the pronounced length of community work service was lower for females than for males, primarily due to the large percentage of female offenders who were convicted of Welfare and Food Stamp Fraud.

The average number of community work service hours actually performed was highest for Hispanics and Asians. The average for Hispanics and Asians was 139 hours, as compared to 124 hours for Whites, 94 hours for American Indians and 93 hours for African Americans.

As was the case with pronounced community work service, there was considerable variation in the average number of hours served across counties. The counties with the lowest average were Wright (50 hours), Rice (62 hours), and Morrison (65 hours). The counties with the highest average number of hours of community work service served were Carlton (277 hours), Scott (243), and Chisago (239).

Chemical Abuse and Treatment

Incidence of Chemical Abuse

Over half of all offenders in the sample were either heavy or addicted users of alcohol or drugs (51.5%). Among this group of offenders, about 36% had problems with alcohol, 17% had problems with drugs, and 46% had problems with both alcohol and drugs. Heavy or addicted use indicates that the offenders had occasional or numerous problems with work, family, arrests, social intervention, and suicidal or assaultive behavior as a result of alcohol or drug abuse. Throughout this section of the report, "chemical abuse" will refer to offenders whose alcohol or drug use was at a heavy or addicted level. The number of offenders who had problems with alcohol or drugs could be even larger as there was a significant number of offenders in the sample (about 30%) for whom information was missing on chemical abuse.

Among those offenders who were heavy users or addicted users of drugs, about 44% primarily used cocaine and 33% primarily used marijuana. Among those offenders who were heavy or addicted users of both alcohol and drugs, the majority primarily used alcohol (68%) with about 18% primarily using cocaine and 10% primarily using marijuana. This data suggests that alcohol is by far the most abused chemical even among those offenders who also use illegal drugs.

Chemical abuse was heaviest among males and American Indians, and there was somewhat more abuse among person offenders and those offenders committing offenses in the 7 county metro area. The primary chemical used by males was alcohol (71%) followed by cocaine (15%). Among females who abused chemicals, there was a greater abuse of controlled substances than among males. Thirty percent of these women primarily used cocaine while less than half of the women who abused chemicals primarily used alcohol (49%).

There were also striking differences in chemical abuse when it was examined by race. Whites had a slightly higher rate of chemical abuse (51%) than African American offenders (47%) with 72% of the white offenders primarily using alcohol. Only 43% of the African American offenders primarily used alcohol while 41% mainly used cocaine. American Indians had the highest rate of chemical abuse (76%) and the drug primarily used was overwhelmingly alcohol (90%).

There was a higher incidence of chemical abuse in the 7-county metro area of 54% compared to 46% in the non-metro area of the state. Alcohol was the primary chemical (85%) used by those offenders who abused chemicals in the non-metro area. Only 4% primarily used cocaine and 11% primarily used marijuana in the non-metro area. In the metro area, a much smaller percentage of the heavy or addicted chemical users primarily used alcohol (61%) and a substantially higher proportion used cocaine (22%).

Marijuana was primarily used by about 11% of the metro area offenders who abused chemicals.

Finally, it is also interesting to look at chemical abuse by the type of offense of conviction. Persons convicted of drug offenses had the highest rate of chemical abuse (66.2%). Among these drug offenders, alcohol was the primary chemical used in only 44% of the cases. Cocaine was mainly used in 24% of the cases and marijuana was primarily used in 22% of the cases. Fifty five percent of the offenders convicted of crimes against persons abused chemicals. Unlike the drug offenders, most person offenders primarily used alcohol (78%). Only 11% mainly used cocaine and only 8% primarily used marijuana. Property offenders had the lowest rate of chemical abuse among the three types (48%). Most of these offenders primarily used alcohol (72%) with 16% primarily using cocaine and 9% primarily using marijuana.

Under Influence at Time of Offense

About 23% of the offenders in the sample were known to be under the influence of alcohol at the time of the offense. Another 5% were known to be under the influence of other drugs and 5% were known to be under the influence of both alcohol and other drugs. About 33% were known to not be under the influence of any alcohol or other drugs at the time of the offense. It should be noted that this information primarily came from the presentence investigation reports. In 34% of the cases there was no information regarding whether the offender was under the influence of chemicals at the time of the offense.

While there were some differences by race, the most significant difference was that American Indians were known to be under the influence of alcohol in 55% of the cases compared to 24% for whites and 11% for African Americans. However, there was a greater proportion of missing information for whites (32%) and African Americans (47%) than for American Indians (20%).

Chemical Dependency Assessments

Chemical dependency assessments were done in approximately 32% of the cases in the sample with about 37% of these assessments conducted under Rule 25. The frequency of chemical dependency assessments did vary by county. The following counties had the highest rates of assessments: Carver (49%), Fillmore (57%), Morrison (39%), Ramsey (46%), Swift (46%), Washington (43%), and Winona (43%). The following counties had the lowest rates of assessments: Carlton (12%), Chisago (15%), Pine (7%), Polk (15%), and Wadena (47%). Some counties did not conduct any chemical assessments on the cases in the sample: Nicollet, Norman, and Yellow Medicine; but these counties had very few cases, 22, 7, and 3 respectively.

A chemical dependency assessment was ordered in about 62% of the cases where chemical abuse was indicated in the PSI. An assessment was ordered in only 9% of those cases where the offender was not identified in the PSI as having problems with chemical abuse or where information was missing on the use of chemicals.

Pronounced Treatment

Treatment, including both residential and non-residential was pronounced as a condition of probation in 21% of the cases. In another 26% of the cases, the judge ordered the offender to follow the recommendations of the probation officer or other evaluator with regard to whether treatment should be served. Judges pronounced treatment as a condition of probation in 29% of the cases where the PSI indicated chemical abuse and the judge pronounced that the recommendation of the evaluator be followed in 37% of these cases.

Males were given treatment requirements more frequently than females which coincides with the previous figures that indicated that males abused chemicals more frequently than females.

American Indians were required to go to treatment only slightly more frequently than whites, 25% and 22% respectively, with African Americans receiving treatment conditions in 18% of the cases. A similar pattern was found with regard to the percentage of cases where judges ordered the offender to follow the recommendations of the evaluator.

Person offenders were required to serve treatment in a significantly higher percentage of cases than other types of offenders: 39% for person offenders and 17% for property and drug offenders. A large percentage (41%) of drug offenders, however, was ordered to follow the recommendations of the evaluator.

Treatment Served and Completed

About 45% of the offenders in the sample spent time in some type of treatment program, either residential or non-residential. About 13% of the offenders in the sample spent time in a residential treatment program, about 18% spent time in a non-residential program, and 12% spent time in both types of programs. Nearly 50% of those who spent time in a residential program also spent time in a non-residential program.

The most common length of time spent in a residential program was 30 days or less (52%) with 17% spending from 31 to 60 days in treatment. Only 4% spent more than a year in residential treatment. The length of time spent in non-residential programs was more varied. About 15% spent 30 days or less in a program, with 11% spending 31 to 60 days and more than 18% spending over a year in non-residential treatment. There

was a significant number of cases, however (27%), where information was missing on the length of the non-residential program.

The proportion of males who spent time in only residential treatment was nearly twice as high as for females; 15% and 8% respectively. However, there was little difference in the proportion of males and females who spent time in only non-residential treatment; 18% and 15% respectively. The proportion of males who spent time in both residential and non-residential treatment was again substantially higher than for females; 13% and 8% respectively.

A greater proportion of American Indians spent time in residential programs and both programs than the other races. A greater proportion of whites spent time in non-residential programs only than the other races.

Data was also collected on whether the offender successfully completed the treatment program. Successful completion of a treatment program does not refer to whether the offender continued to remain drug or alcohol free after completion of the program. Among those offenders who were placed in residential treatment, 59% successfully completed the program and about 40% did not successfully complete the program. About 1% of the offenders were still in the program at the time the data was collected.

Males experienced a slightly higher success rate than females; 59% compared to 54% respectively. White offenders experienced a considerably higher success rate than any of the other races: white offenders 64%, African Americans 48%, American Indians 42%, and other races 48%. There also was greater success in the non-metro areas of the state as compared with the metro area; 71% compared to 54% respectively. This difference is probably a reflection of racial differences in that whites are proportionally more successful in treatment programs than minorities and the majority of the minorities are convicted in the metro area. Interestingly, drug offenders had the highest rate of successful completion when compared to person and property offenders: drug 69%, person 59%, property 56%.

Similar kinds of patterns existed with regard to non-residential treatment with a few exceptions. A greater proportion of the offenders were still in non-residential treatment (15%) and females experienced a higher success rate than males; 60% compared to 56% respectively.

Use of Probation

All of the offenders in the sample were given stayed sentences and placed on probation. Information was collected on the length of the ordered probation, the method and frequency of reporting to the probation officer, and the length of the stay before discharge.

Reporting Methods

The original reporting method used by agents was most commonly face to face meetings (45%). Multiple methods were also used with some frequency (17%) as were telephone contacts (14%). About 13% of the offenders were originally not ordered to report at all. A slightly higher proportion of males were originally ordered to report face to face than females, 46% compared to 42%; a higher proportion of females than males were originally required to report by telephone, 23% compared to 12%.

White offenders were more frequently ordered originally to report face to face than African Americans, 49% compared to 31%; but African American offenders were more likely to be ordered originally to report in multiple ways, 22% compared to 16%.

Original reporting methods varied considerably by county. Generally, the non-metro counties tended to order the face to face method more frequently than the metro counties, 58% compared to 39% respectively. There were 12 counties that originally ordered face to face reporting in more than 75% of the cases: Benton 85%, Carver 84%, Chisago 77%, Fillmore 77%, Mille Lacs 79%, Polk 80%, Rice 80%, Stearns 81%, Todd 85%, Wadena 85%, Winona 84%, and Wright 77%. These counties are primarily outside the metro area. In contrast, there were 7 counties that originally ordered face to face reporting in 30% or less of the cases: Aitkin 16%, Chippewa 5%, Crow Wing 29%, Hennepin 29%, Lac Qui Parle 17%, Ramsey 30%, and Swift 12%. Aitkin, Chippewa, Lac Qui Parle, and Swift counties had a very small number of cases, 26 or less. Hennepin and Ramsey have the largest number of cases in the sample, 1118 and 718 respectively. These counties either ordered the telephone or ordered multiple methods of reporting more frequently than those counties that ordered the face to face method at a high rate.

Discharge from Probation

Approximately 63% of the cases in the sample remained on probation at the time of this data collection (summer of 1990) and 37% had been discharged from their probation. Among those who were discharged, 13% were discharged within the first year, 43% were discharged by the second year, and 42% were discharged by the third year.

Generally, a higher proportion of the offenders in the non-metro area had been discharged compared to the metro area, 44% compared to 34% respectively. The following counties had discharged over 50% of the offenders in the sample: Carlton, Chippewa, Dodge, Fillmore, Lac Qui Parle, Norman, Olmsted, St. Louis, and Scott. There were other counties where relatively few offenders in the sample were discharged. The following counties had discharged less than 25% of the offenders: Anoka, Chisago, Polk, Todd, Wadena, and Washington.

Person offenders were most likely to still be on probation while drug offenders were most likely to have been discharged. About 28% of the person offenders were discharged compared to 46% of the drug offenders. Property offenders were discharged in about 38% of the cases. Similarly, only about 22% of those offenders convicted of offenses at severity levels V through VIII were discharged compared to 42% of the offenders convicted of offenses at severity levels I through IV. Also, about 43% of the offenders with no criminal history had been discharged compared to only 30% for those who had at least one criminal history point.

Probation Officer Recommendations

Presentence investigation reports were completed in 99% of all the cases in the sample. In addition, in about 90% of the cases in the sample a sentencing recommendation was made to the court. Recommendations as to the type of stay were made in 67% of the cases. Of those cases, about 60% were recommendations for a stay of imposition and about 40% were recommendations for a stay of execution. Jail was recommended in 65% of the cases with Huber jail recommended in about 18% of the cases. Community work was recommended 11% of the time and in 6% of the cases, community work was recommended in lieu of a fine, jail, or restitution. Fines were recommended in only 8% of the cases where as restitution was recommended 44% of the time. Some type of treatment program was recommended in 35% of the cases and in another 13%, the probation officer recommended that the judge follow the recommendation of the evaluation.

Severity Level/Criminal History

Recommendations for stays of imposition did not vary much by the severity of the conviction offense. However, those offenders at severity level two had the highest rate of recommendation for stay of imposition (48%) and those offenders at severity levels VII and VIII were not frequently recommended a stay of imposition; 15% and 9% respectively. Recommendations for jail time generally increased with the severity of the conviction offense except for at severity level II where recommendations for jail were less frequent than at severity level I. Females offenders who were convicted of welfare fraud would account for this as females were less frequently recommended jail and a large number of females were convicted of a severity level II offense. Community work service was recommended most often at the lower severity levels, I - IV.

More than half of all offenders with a criminal history score of zero were recommended a stay of imposition compared to only 25% of those with a criminal history score of one and only 5% of those with a criminal history score of 2 or more. Recommendations for jail time varied some by criminal history score but recommendations for jail did not generally increase by the criminal history of the offender. Community work service was recommended more frequently for offenders with no criminal history but recommendations for restitution did not vary much by the criminal history.

Offense Type

Stays of imposition were not recommended as frequently for person offenders as for property and drug offenders. Person and drug offenders were most often recommended jail time and these offenders were also most often recommended Huber jail time. Property offenders were recommended for community work service more than twice as frequently as person and drug offenders. As would be expected, property offenders

were most likely to be recommended to pay restitution but drug offenders were most likely to be recommended to pay a fine.

Geographical Area

There were clearly differences in the recommendations by county. First, while most counties made sentencing recommendations in 80% or more of the cases, there were a few counties where the proportion was less. In Carver county, probation officers recommended a sentence in only 68% of the cases; Dakota was 71%, Kandiyohi was 24%, Red Lake was 25%, and St. Louis was 76%.

Stays of imposition were recommended extensively (in over 70% of the cases) in the following counties: Aitkin, Chippewa, Crow Wing, Dodge, Fillmore, Nicollet, Rice, Scott, and Wright. It is interesting to note that in Hennepin county, recommendations as to the type of stay were fairly infrequent and stays of imposition were only recommended in 11% of the cases.

In about half of the counties in the sample, jail was recommended at approximately the same rate as the rate of jail time pronounced. However, in about 35% of the counties, jail was recommended at a lower rate than the rate of jail time pronounced. Probation officers recommended jail time at a higher rate than pronounced in only 5 of the 37 counties in the sample. Huber time was recommended only infrequently in most counties except Anoka, Morrison, and Pine counties where Huber time was recommended in 40% or more of the cases.

Community work service was most often (more than 30%) recommended in Blue Earth, Crow Wing, Fillmore, Mille Lacs, Morrison, Olmsted, and Stearns counties. Community work service was recommended more frequently in the non-metro areas as compared to the metro area; 23% and 12% respectively. Counties where fines were more often (more than 30%) recommended include: Benton, Chippewa, Chisago, Lac Qui Parle, Nicollet, Scott, Stearns, Swift, and Yellow Medicine. Unlike fines and community work service, restitution was recommended quite often; 44% for all the counties in the sample.

Gender and Race

Recommendations varied somewhat by gender. Females were recommended stays of imposition, community work service, and restitution more often than males. Males were recommended to serve time in jail more frequently than females.

There were also differences in recommendations when examined by the race of the offender. Whites were more than twice as likely to be recommended a stay of imposition than were minorities. Yet, whites were also more likely to be recommended

jail time than were minorities. (whites = 66%; African Americans = 64%; American Indians = 57%; other racial groups = 59%) It is interesting that while American Indians had the highest rate of pronounced jail time, they had the lowest rate of recommended jail time. Whites were also more likely to be recommended to receive Huber time, were more likely to be recommended a fine, and were more likely to be recommended restitution than minorities. Recommendations for treatment did not vary much by race.

Were Recommendations Followed by the Court?

It is interesting to examine whether and to what extent judges followed the recommendation in the presentence investigation. It appears that generally, judges did pronounce the particular sanctions recommended in the PSI. In 96% of the cases where a stay of imposition was recommended, a stay of imposition was imposed. In a slightly lower percentage (85%) of cases where a stay of execution was recommend, it was subsequently imposed.

Judges pronounced jail time in 88% of the cases where the probation officer recommended jail as a condition of probation but judges also pronounced jail time in 28% of the cases where the agent recommended against jail time. While judges pronounced jail more often than it was recommended, it was most common that a judge pronounced the same jail time recommended by the agent or less than the time recommended.

Recommendations for community work were followed in 88% of the cases but the recommendations were followed less frequently when the agent recommended the community work in lieu of a fine, jail, or restitution. Recommendations for fines were followed by judges in only 55% of the cases while judges followed recommendations for restitution 90% of the time.

3) Conclusions

The data collected by the Minnesota Sentencing Guidelines Commission in response to a directive by the Minnesota Legislature provides a rich and unique set of information. We are able to understand the types of intermediate sanctions used by the courts, how often different sanctions are used, the extent to which each different sanction is used, and the variation with which these intermediate sanctions are used when focusing on particular groups of offenders.

The clear conclusion that can be drawn from examining these data on intermediate sanctions is that offenders who receive stayed sentences are heavily sanctioned. It is inaccurate to assume that offenders who are not imprisoned "just" get probation. In fact, only about 1% of the offenders in the sample received probation as the only sanction. Approximately 16% of the offenders received one other sanction, 40% received two other sanctions, nearly 30% received three other sanctions, and the remaining 13% received four or more other sanctions. The types of other sanctions included were typically fines, restitution, jail, community work, and treatment, but in some cases also included house arrest, payments to court and public defender funds, educational requirements, restraining conditions, loss of privileges (hunting and driving), and forfeiture of property.

Another conclusion that was clear from examining the data is that there is wide variation in the types of intermediate sanctions that are used and the extent to which these sanctions are used. Jail or workhouse time was the most commonly used sanction but its use varied by county, sex, race, offense type, and other breakdowns. The amount of jail time imposed varied greatly as well. Fines were rarely used except in some areas of the state, primarily non metro areas. When fines were given, collection was quite successful. Restitution was used in about half of the cases, and was used more extensively for females. Collection for restitution was not nearly as successful as for the fines. Community work was used in less than 20% of the cases and was used more often for females. Treatment was a common sanction with about 45% of the offenders in the sample serving time in some type of treatment program.

These data will be extremely valuable for jurisdictions that are interested in developing local guidelines for intermediate sanctions. Individual jurisdictions can make decisions to lessen or increase their use of any particular type of sanction and understand what the impact on resources will be. By examining this collected data on intermediate sanctions jurisdictions can understand what currently is happening and develop policy to structure what they want to be doing with regard to intermediate sanctions. Such action toward structuring intermediate sanctions will help the Legislature enormously to understand the funding requirements that are necessary to support community corrections and local correctional resources.

APPENDIX

**Percentage of Offenders with Pronounced Jail and
Average Length of Pronounced Jail in Days
By County**

County	Total Number	Pronounced	Ave. Length Pronounced
Aitkin	26	83.6%	139
Anoka	327	77.3%	84
Benton	38	58.8%	29
Blue Earth	51	96.7%	330
Carlton	35	76.4%	145
Carver	50	41.8%	173
Chippewa	19	77.2%	57
Chisago	49	86.6%	89
Crow Wing	70	75.4%	129
Dakota	302	69.8%	73
Dodge	12	100.0%	177
Fillmore	22	100.0%	122
Hennepin	1118	70.6%	169
Kandiyohi	30	63.6%	65
Lac Qui Parle	6	79.2%	181
Lake	15	73.3%	135
Mille Lacs	36	81.0%	84
Morrison	42	68.3%	89
Nicollet	22	86.4%	73
Norman	7	71.4%	105
Olmsted	77	67.3%	122
Pine	48	97.9%	84
Polk	79	76.7%	101
Ramsey	718	57.6%	103
Red Lake	6	0.0%	-
Rice	63	64.5%	117
St. Louis	313	73.1%	169
Scott	37	47.8%	74

County	Total Number	Pronounced	Ave. Length Pronounced
Sherburne	50	88.8%	89
Stearns	162	65.9%	65
Swift	16	100.0%	272
Todd	30	93.3%	107
Wadena	12	91.7%	40
Washington	159	87.2%	68
Winona	68	81.6%	62
Wright	47	60.6%	64
Yellow Medicine	3	66.7%	258
TOTAL	4165	70.7%	123

**Percentage of Offenders Who Actually Served Time in Jail and
Average Length of Time Actually Served in Jail in Days
By County**

County	Total Number	Served *	Ave. Length Served *
Aitkin	26	81.1%	141
Anoka	327	83.4%	57
Benton	38	85.1%	33
Blue Earth	51	100.0%	81
Carlton	35	94.3%	106
Carver	50	71.1%	81
Chippewa	19	94.7%	53
Chisago	49	96.5%	72
Crow Wing	70	86.5%	92
Dakota	302	85.4%	41
Dodge	12	83.3%	98
Fillmore	22	95.5%	88
Hennepin	1118	95.1%	76
Kandiyohi	30	75.5%	43
Lac Qui Parle	6	79.2%	103
Lake	15	80.0%	117
Mille Lacs	36	88.9%	64
Morrison	42	68.3%	77
Nicollet	22	95.5%	72
Norman	7	71.4%	86
Olmsted	77	77.6%	66
Pine	48	90.9%	76
Polk	79	73.3%	76
Ramsey	718	85.2%	60
Red Lake	6	50.0%	59
Rice	63	70.2%	59
St. Louis	313	80.1%	122
Scott	37	76.6%	33

County	Total Number	Served *	Ave. Length Served *
Sherburne	50	85.4%	63
Stearns	162	81.0%	45
Swift	16	88.4%	64
Todd	30	93.3%	81
Wadena	12	91.7%	40
Washington	159	86.6%	58
Winona	68	89.8%	54
Wright	47	77.3%	33
Yellow Medicine	3	66.7%	125
TOTAL	4165	86.7%	69

* "Served" includes any pre trial or post sentence time served in jail or workhouse with the current conviction(s)

**Percentage of Offenders with Pronounced Fines and
Average Amount of Pronounced Fine
By County**

County	Total Number	Pronounced	Ave. Amount Pronounced
Aitkin	26	0.0%	-
Anoka	327	6.7%	1257
Benton	38	50.0%	526
Blue Earth	51	0.0%	-
Carlton	35	11.9%	850
Carver	50	39.8%	772
Chippewa	19	46.4%	390
Chisago	49	60.5%	590
Crow Wing	70	8.0%	833
Dakota	302	17.1%	429
Dodge	12	0.0%	-
Fillmore	22	0.0%	-
Hennepin	1118	3.4%	1222
Kandiyohi	30	70.2%	1356
Lac Qui Parle	6	100.0%	710
Lake	15	12.2%	1000
Mille Lacs	36	3.9%	700
Morrison	42	6.6%	680
Nicollet	22	18.2%	425
Norman	7	71.4%	510
Olmsted	77	1.3%	300
Pine	48	9.1%	500
Polk	79	81.1%	468
Ramsey	718	1.5%	1485
Red Lake	6	25.0%	500
Rice	63	39.5%	434
St. Louis	313	1.9%	500
Scott	37	28.2%	434

County	Total Number	Pronounced	Ave. Amount Pronounced
Sherburne	50	33.7%	633
Stearns	162	16.5%	646
Swift	16	58.0%	420
Todd	30	0.0%	-
Wadena	12	15.3%	500
Washington	159	2.2%	550
Winona	68	4.9%	300
Wright	47	22.3%	498
Yellow Medicine	3	33.3%	500
TOTAL	4165	10.5%	700

**Percentage of Offenders Who Actually Paid Toward a Fine and
Average Amount of Fine Actually Collected
By County**

County	Total Number	Paid	Ave. Amount Collected
Aitkin	26	0.0%	-
Anoka	327	5.1%	448
Benton	38	43.0%	403
Blue Earth	51	5.3%	189
Carlton	35	0.8%	588
Carver	50	39.8%	714
Chippewa	19	46.4%	430
Chisago	49	41.5%	499
Crow Wing	70	8.0%	523
Dakota	302	14.1%	383
Dodge	12	0.0%	-
Fillmore	22	0.0%	-
Hennepin	1118	3.3%	1243
Kandiyohi	30	45.7%	603
Lac Qui Parle	6	79.2%	739
Lake	15	12.2%	1000
Mille Lacs	36	3.9%	700
Morrison	42	6.6%	604
Nicollet	22	18.2%	UNK
Norman	7	42.9%	500
Olmsted	77	12.6%	347
Pine	48	9.1%	468
Polk	79	56.4%	362
Ramsey	718	3.5%	402
Red Lake	6	0.0%	-
Rice	63	39.5%	420
St. Louis	313	3.7%	411
Scott	37	28.2%	434

County	Total Number	Paid	Ave. Amount Collected
Sherburne	50	37.0%	560
Stearns	162	20.5%	429
Swift	16	70.5%	422
Todd	30	0.0%	-
Wadena	12	15.3%	500
Washington	159	2.2%	550
Winona	68	4.9%	300
Wright	47	14.9%	375
Yellow Medicine	3	33.3%	500
TOTAL	4165	10.0%	528

**Percentage of Offenders with Pronounced Restitution and
Average Amount of Pronounced Restitution
By County**

County	Total Number	Pronounced	Ave. Amount Pronounced
Aitkin	26	46.9%	2886
Anoka	327	50.8%	2132
Benton	38	69.7%	3634
Blue Earth	51	59.6%	1068
Carlton	35	35.5%	3923
Carver	50	54.8%	2587
Chippewa	19	69.7%	1607
Chisago	49	70.5%	2633
Crow Wing	70	62.3%	1226
Dakota	302	44.3%	1162
Dodge	12	72.9%	724
Fillmore	22	61.4%	1121
Hennepin	1118	42.3%	6390
Kandiyohi	30	81.4%	2556
Lac Qui Parle	6	58.3%	1354
Lake	15	56.7%	823
Mille Lacs	36	67.8%	531
Morrison	42	74.1%	4600
Nicollet	22	50.0%	1205
Norman	7	71.4%	507
Olmsted	77	56.3%	3014
Pine	48	64.8%	2135
Polk	79	67.7%	1631
Ramsey	718	53.5%	2266
Red Lake	6	25.0%	6000
Rice	63	77.4%	4810
St. Louis	313	53.0%	4426
Scott	37	40.6%	701

County	Total Number	Pronounced	Ave. Amount Pronounced
Sherburne	50	53.9%	1181
Stearns	162	55.1%	1777
Swift	16	34.8%	400
Todd	30	61.4%	2292
Wadena	12	69.4%	707
Washington	159	33.4%	1128
Winona	68	65.3%	699
Wright	47	46.1%	846
Yellow Medicine	3	33.3%	5068
TOTAL	4165	50.8%	3079

**Percentage of Offenders Who Actually Paid Toward Restitution and
Average Amount of Restitution Actually Collected
By County**

County	Total Number	Paid	Ave. Amount Collected
Aitkin	26	21.7%	2070
Anoka	327	32.1%	498
Benton	38	57.0%	1044
Blue Earth	51	34.2%	705
Carlton	35	11.9%	1898
Carver	50	38.0%	431
Chippewa	19	60.7%	604
Chisago	49	36.0%	907
Crow Wing	70	37.9%	1227
Dakota	302	28.1%	593
Dodge	12	54.2%	255
Fillmore	22	61.4%	381
Hennepin	1118	24.6%	3501
Kandiyohi	30	62.9%	640
Lac Qui Parle	6	58.3%	1354
Lake	15	32.2%	1008
Mille Lacs	36	34.3%	269
Morrison	42	52.4%	633
Nicollet	22	31.8%	2601
Norman	7	42.9%	380
Olmsted	77	53.1%	1034
Pine	48	31.8%	580
Polk	79	40.6%	989
Ramsey	718	36.6%	744
Red Lake	6	50.0%	2088
Rice	63	60.0%	804
St. Louis	313	35.7%	3718
Scott	37	30.6%	416

County	Total Number	Paid	Ave. Amount Collected
Sherburne	50	44.5%	858
Stearns	162	45.6%	882
Swift	16	11.6%	224
Todd	30	35.2%	694
Wadena	12	38.9%	421
Washington	159	23.2%	355
Winona	68	51.7%	509
Wright	47	33.3%	875
Yellow Medicine	3	0.0%	-
TOTAL	4165	33.5%	1241

**Percentage of Offenders with Pronounced Community Work Service and
Average Length of Pronounced Community Work Service in Hours
By County**

County	Total Number	Pronounced	Ave. Length Pronounced
Aitkin	26	22.7%	242
Anoka	327	21.8%	115
Benton	38	8.3%	113
Blue Earth	51	37.8%	117
Carlton	35	11.7%	223
Carver	50	0.0%	-
Chippewa	19	0.0%	-
Chisago	49	9.9%	143
Crow Wing	70	48.8%	166
Dakota	302	12.9%	94
Dodge	12	0.0%	-
Fillmore	22	22.7%	120
Hennepin	1118	10.3%	150
Kandiyohi	30	42.4%	99
Lac Qui Parle	6	0.0%	-
Lake	15	26.7%	95
Mille Lacs	36	48.1%	104
Morrison	42	65.1%	68
Nicollet	22	0.0%	-
Norman	7	0.0%	-
Olmsted	77	13.9%	99
Pine	48	0.0%	-
Polk	79	22.5%	180
Ramsey	718	27.6%	116
Red Lake	6	25.0%	100
Rice	63	10.0%	52
St. Louis	313	21.2%	210
Scott	37	3.2%	500

County	Total Number	Pronounced	Ave. Length Pronounced
Sherburne	50	3.7%	40
Stearns	162	21.7%	190
Swift	16	0.0%	-
Todd	30	9.1%	31
Wadena	12	30.6%	30
Washington	159	6.9%	140
Winona	68	0.0%	-
Wright	47	13.5%	50
Yellow Medicine	3	0.0%	-
TOTAL	4165	17.4%	135

**Percentage of Offenders Who Actually Did Community Work Service and
Average Length of Time Actually Served in Hours
By County**

County	Total Number	Served	Ave. Length Served
Aitkin	26	22.7%	185
Anoka	327	19.6%	108
Benton	38	12.7%	83
Blue Earth	51	39.2%	83
Carlton	35	14.5%	277
Carver	50	0.0%	-
Chippewa	19	0.0%	-
Chisago	49	9.2%	239
Crow Wing	70	35.2%	157
Dakota	302	14.4%	89
Dodge	12	37.5%	115
Fillmore	22	65.9%	156
Hennepin	1118	7.9%	121
Kandiyohi	30	30.5%	95
Lac Qui Parle	6	0.0%	-
Lake	15	38.9%	95
Mille Lacs	36	32.6%	86
Morrison	42	56.6%	65
Nicollet	22	0.0%	-
Norman	7	0.0%	-
Olmsted	77	27.5%	79
Pine	48	0.0%	-
Polk	79	26.1%	137
Ramsey	718	24.9%	101
Red Lake	6	0.0%	-
Rice	63	12.9%	62
St. Louis	313	24.1%	194
Scott	37	7.8%	243

County	Total Number	Served	Ave. Length Served
Sherburne	50	0.0%	-
Stearns	162	29.2%	131
Swift	16	0.0%	-
Todd	30	0.0%	-
Wadena	12	38.9%	78
Washington	159	4.4%	153
Winona	68	16.2%	102
Wright	47	13.5%	50
Yellow Medicine	3	33.3%	100
TOTAL	4165	17.2%	120