

**Minnesota Judicial Branch Action  
Following the 1993 Minnesota Supreme  
Court Task Force on Racial Bias in the  
Judicial System  
And  
Recommendations for Minnesota Judicial  
Branch Action in FY20-21**

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## **Acknowledgement**

Many people contributed to this report. While it would be impossible to thank everyone, I would like to acknowledge the work of Judge JaPaul Harris who diligently compiled information found in the Race Bias Taskforce Grid at Appendix A. The Race Bias Taskforce Grid provides a detailed analysis of all recommendations specific to the Minnesota Judicial Branch and a comprehensive summary of action taken over the last thirty (30) years. I would also like to thank my judicial law clerk, Matthew Yost, who spent countless hours researching, reviewing, revising and editing Race-Bias Data Subcommittee reports which provided the foundation for this 2019 Progress Report. I would also like to thank Polly Ryan and the Office of the State Court Administrator for the State of Minnesota for their important contributions.

*I. Historical Background*

The 1993 Minnesota Supreme Court Task Force on Racial Bias in the Judicial System (hereinafter “Race Bias Task Force”) officially recognized race bias in the Minnesota Judicial system.

The Race Bias Task Force found that all aspects of the justice system – from first contact with the police, through charging, trial and sentencing – were affected by racial bias.

The Minnesota Supreme Court established the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts (Implementation Committee), with the charge of putting the report recommendations into action. The Supreme Court also established implementation committees, now known as Equal Justice Committees, in each judicial district to assist in these efforts.

In 2006, the Implementation Committee changed its name to the Racial Fairness Committee. The Racial Fairness Committee and the district Equal Justice Committees continued the work of implementing the recommendation of the Race Bias Task Force. Around this time, the Racial Fairness Committee was also designated as an Advisory Committee to the Minnesota Judicial Council (Judicial Council), the governing body for the Minnesota Judicial Branch.

The Implementation Committee/Racial Fairness Committee published six (6) Progress Reports; in 1994, 1995, 1999, 2002, 2004 and 2010. These reports updated the Minnesota Judicial Branch on the implementation of various recommendations stemming from the Race Bias Task Force.

In June 2010, the Judicial Council established the Committee for Equality and Justice replacing the Racial Fairness and Gender Fairness Implementation Committees. The Committee for Equality and Justice is charged with working collaboratively across the Minnesota Judicial Branch to advance efforts to eliminate bias from court operations, to promote equal access to the court and to inspire a high level of trust and public confidence in the Minnesota Judicial Branch.

Since 2010, the Committee for Equality and Justice has continued to implement recommendations of the Race Bias Task Force and subsequent Progress Reports. Despite this continuing work, however, the committee issued no supplemental report to the Judicial Branch to outline its progress.

In 2018-2019, the Race-Bias Data Subcommittee of the Committee for Equality and Justice reviewed the Race Bias Task Force Report and outlined Minnesota Judicial Branch recommendations that have not been implemented. The Race-Bias Data Subcommittee also made certain recommendations for FY20-21. The following outlines the work and recommendations of the subcommittee.

*II. Review of Race Bias Task Force Recommendations*

In 1993, the Race Bias Task Force developed findings and recommendations on issues of race bias to the Minnesota Judicial Branch as a blueprint for action. The Race Bias Task Force collected data on Minnesota court decisions and proceedings, administrative procedures, treatment of litigants and witnesses, hiring, and treatment of people of color within the court system. Committees of the Race Bias Task Force were formed to focus on the broad areas of criminal, civil, and family and juvenile law. In sum, 133

recommendations were made; of which 53 specific recommendations applied directly to the Minnesota Judicial Branch. *See generally*, Race Bias Taskforce Report.

To prepare this report, the Race-Bias Data Subcommittee developed the Race Bias Task Force Grid which is attached at Appendix A. This Race Bias Task Force Grid is a comprehensive analysis addressing Race Bias Task Force recommendations specific to the Minnesota Judicial Branch and outlining action that has been taken to date. The Race Bias Task Force Grid also includes actions taken by the Minnesota Judicial Branch beyond original Race Bias Task Force Report recommendations. Finally, the Race Bias Task Force Grid summarizes recommendations outside the purview of the Minnesota Judicial Branch.

The Minnesota Judicial Branch has made significant progress towards its mandate to implement the Race Bias Task Force recommendations and to monitor effectiveness of approved reform measures.

Among the many achievements outlined in the Race Bias Task Force Grid, significant work has been done in the areas of race data collection, bail and pretrial release tools and interpreter services.

*A. Race Data Collection*

One of the key findings of the Race Bias Task Force Report was that the justice system needed to begin keeping systematic records of participation in the court system by race. Without accurate data, there is no way to ensure that people of all races are treated fairly by the courts and their criminal justice partners.

Following recommendations of the Race Bias Task Force Report, the Minnesota Judicial Branch adopted Policy 1502 (“MJB Policy 1502”) which requires the State Court Administrator to ensure the collection of race and other pertinent data. Since 2002, race data has been collected in the following case types: major criminal (felony and gross misdemeanors); minor criminal (misdemeanors); juvenile delinquency, juvenile petty offenses, juvenile traffic offenses, and juvenile child protection (CHIPS).

In January 2019, Judicial Council implemented a strategic performance measure requiring 80% collection rates of race data in each county throughout the state. Race data collection rates of 80% or higher are required to draw statistically valid correlations between case outcomes and demographic characteristics. Such collection requirements will permit statewide testing on whether case outcomes have any relation to protected race.

*B. Bail and Pretrial Release Tools*

The Race Bias Task Force found that many people of color and a significant percentage of prosecutors, judges, and public defense counsel perceived the court system as biased against people of color in the setting of bail and pretrial release on a statewide basis. *Id.* at 23. The Race Bias Task Force made numerous recommendations regarding diversity training, culturally neutral bail evaluations and the use of pretrial release evaluations and/or studies.

Since the recommendations were issued, much work has been done to examine pretrial in custody rates and the use of pretrial risk assessment tools. In 2014-2015, State Court Administration conducted a statewide research study of pretrial in custody rates and the use of pretrial risk assessment tools. From October 2015 through April 2016, a pretrial release initiative workgroup was formed to examine the research and develop recommendations to Judicial Council. In August of 2016, Judicial Council adopted the workgroup recommendations and tasked State Court Administration to develop a pretrial risk assessment tool for statewide use.

In 2018, the Judicial Council adopted Minnesota Judicial Branch Policy 524 (“MJB Policy 524”) requiring judges to use evidence-based assessment of risk in setting pretrial release conditions. MJB Policy 524 requires judges to presumptively utilize non-financial release conditions to the greatest degree consistent with evidence-based assessment of flight risk and threat to public safety and to victims of crimes.

### C. Interpreter Services

The Race Bias Task Force made numerous recommendations surrounding the use of interpreter services in the court system. *Id.* at 77. Without a skilled interpreter, a court user who does not speak English or for whom English is a second language faces disadvantages.

Since the recommendations were issued, the Minnesota General Rules of Practice were amended to include rules regarding interpreters; Minnesota became the founding member of the Consortium for State Court Interpreter Certifications; the Code of Professional Responsibility for Interpreters was adopted; Minnesota Statutes were promulgated addressing appointment and qualification of court interpreters in civil and criminal proceedings; and uniform rules were adopted for use of court interpreters for jurors, expert witnesses, child support proceedings and juvenile court proceedings. In addition, judicial forms have been translated for Limited English Proficient court users.

In 2017, the Race-Bias Data Subcommittee conducted a statewide survey on interpreter services in the courtroom and made recommendations for more judicial and interpreter education on interpreter use and interpreter interaction with Limited English Proficient court users.

In 2019, the Race-Bias Data Subcommittee in conjunction with State Court Administration enhanced judicial tools for interpreter cases. Specifically, revisions were made to the interpreter bench card utilized by district court judges to assist in the use of interpreter services in the courtroom. In addition, the Race-Bias Data Subcommittee developed an interpreter information card to guide and direct initial interpreter interaction with Limited English Proficient court users.

The Race Bias Task Force Grid provides a detailed analysis of all recommendations to the Minnesota Judicial Branch and a comprehensive summary of action taken in the last thirty (30) years.

### *III. Review of Race Bias Task Force Recommendations*

The Race-Bias Data Subcommittee recognizes that the Minnesota Judicial Branch has made progress in fulfilling Race Bias Task Force recommendations. Considerable work remains, however, to ensure fair and equal treatment of all court users.

Upon studying the Race Bias Task Force Grid, the Race-Bias Data Subcommittee recommends that the following action be taken in FY20-21.

1. Sentencing – Probation Revocation. The Committee for Equality and Justice will review the Minnesota Sentencing Guidelines Commission Probation Revocations reports and work with Equal Justice Committees to make recommendations as needed. See Appendix B and C.
2. Juries. The Committee for Equality and Justice will review available data provided by State Court Administration that identifies the race of those who are called for jury service, selected for jury panels, and seated on the juries and make recommendations for improvement in court processes, procedures, and policies.
3. Race Bias Task Force Grid and Gender Fairness Taskforce Report. The Committee for Equality and Justice will research the most effective methods for maintaining updates on the 1989 Gender Task Force Report<sup>1</sup> and 1993 Minnesota Supreme Court Task Force Report on Racial Bias in the Judicial System and make recommendations for how to maintain and to update the reports each biennium.

### *IV. Conclusion*

The Committee for Equality and Justice has made significant progress in fulfilling its mandate to implement the Race Bias Task Force recommendations. Even so, there is still considerable work to do. The Minnesota Judicial Branch cannot become complacent with progress and change. As so clearly stated by the Race Bias Task Force,

“The ultimate intent of this Supreme Court Task Force on Racial Bias in the Judicial System, and the Supreme Court that established it, is nothing less than the systematic reform of the practices that have been found to impede the dispensation of justice to people of color in the state of Minnesota. This Report is the blueprint for the implementation of that process of reform. Some of the changes called for here can be effected very quickly;

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<sup>1</sup> In addition to the foregoing, in FY20-21, as part of its strategic plan, the Race-Bias Data Subcommittee will review and analyze the 1989 Gender Fairness Taskforce Report to identify what has been accomplished and to determine what remains outstanding; prioritize outstanding items for further action, and develop an outreach strategy to communicate the results of the review to the public. The Race-Bias Data Subcommittee will issue a Gender Fairness Taskforce grid similar to the Race Bias Taskforce Grid found at Appendix A.

others will take more time and vigilance to achieve; still others may be the work of a lifetime, but, to paraphrase a powerful anthem of this country's civil rights era, we who believe in justice cannot rest until it comes.”

*Id.* at 8. The Race Bias Task Force Grid provides the Minnesota Judicial Branch with a comprehensive analysis of all recommendations specific to the Minnesota Judicial Branch and a comprehensive summary of action taken in the last thirty (30) years. In FY20-21, the Committee for Equality and Justice recommends that work be done in the areas of probation revocation and jury participation to ensure continued systematic reform of practice to eliminate bias, promote equal access and participation and to inspire a high level of trust and public confidence in the Minnesota Judicial Branch. In addition, the Committee for Equality and Justice will research methods for maintaining updates on the Race Bias Task Force and the 1989 Gender Fairness Taskforce Report to ensure Minnesota Judicial Branch action is accurately documented and to ensure that the Minnesota Judicial Branch does not become complacent with progress and change.



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Color Key:



Complete



In Progress or Partially Complete



Not Started

Recommendation	Action taken	Date of Action & Source	Comments
<b>I. ARREST/CHARGING/FORFEITURE</b>			
<p>a) The Supreme Court, through a future Community/Law Enforcement Relations Commission, should conduct a statewide study of all law enforcement and county and/or city attorney offices' arrest and charging policies and procedures to determine if people of color are disproportionately arrested and charged on an insufficient basis.</p>	<p>On October 12, 2016 by Executive Order (16-09), Governor Mark Dayton established the Council on Law Enforcement and Community Relations charged with independently reviewing quantitative and qualitative data and making policy recommendations to the Governor and Legislature that will lead to substantive changes and strengthen police and community relations.<sup>1</sup></p>	<p>October 12, 2016 by Executive Order (16-09) of Governor Mark Dayton</p>	
<b>II. VICTIM SERVICES</b>			
<p>a) The Supreme Court should require all judges, court administrators, clerks, probation officers, attorneys and other court personnel to receive training on victims' rights as well as cultural diversity training.</p>	<p>In 1992 the Minnesota legislature passed Minnesota Statute 480.30 requiring in part that the Supreme Court's judicial education program must include ongoing training for district court judges on related civil and criminal court issues including information about the specific needs of victims.</p>	<p><i>Minn. Stat. § 480.30 subd. 1(1) (1992)</i></p>	
<b>III. BAIL AND PRETRIAL RELEASE</b>			
<p>a) Prosecutors, judges and bail evaluators should be mandated to attend cultural diversity training as well as special skills training in the area of racially and culturally neutral bail determinations.</p>			<p>Diversity and Inclusion Training – Judges and Court staff are mandated to attend as of 2017.</p>
<p>b) The Hennepin County Pretrial Services Point Scale should be used by prosecutors, judges, and bail evaluators as a model</p>	<p>In January 2018, the Minnesota Judicial Council approved the Minnesota Pretrial Assessment Tool (MNPAT). Anoka, Cass, Hennepin, Sherburne, and Wright counties will adopt and validate alternative</p>	<p>PRIORITIES &amp; STRATEGIES FOR MINNESOTA'S JUDICIAL BRANCH. FOCUS ON THE FUTURE (Minnesota Judicial</p>	

<sup>1</sup> In addition, in March 2018, the Minnesota Advisory Committee to the U.S. Commission on Civil Rights issued a report entitled, “ Civil Rights and Policing Practices in Minnesota” detailing civil rights concerns associated with police practices in Minnesota.

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<p>in developing neutral presentence tools based on factors which relate only to pretrial failure to appear and risk of pretrial crime.</p>	<p>tools that meet the statewide standards. All other counties will use the statewide tool, MNPAT. The MNPAT will be validated through the State Court Administrator's Office to promote consistent risk analysis. Alternative tools require approval from the Minnesota Judicial Council. Districts or counties using an alternative tool are required to meet the statewide standards for validation.</p>	<p>Council FY 2018 – 2019 Strategic Plan).</p> <p>Under <i>Minn. Stat. § 629.74</i> Minnesota Judicial Council approves pretrial evaluation forms to be used in each county.</p> <p>MINNESOTA JUDICIAL COUNCIL POLICY 524: PRETRIAL RELEASE EVALUATION</p>	
<p>c) Each county should be required to conduct bail evaluation/supervisory release studies.</p>	<p>The Racial Fairness subcommittee's recommendation that a branch-wide review of evidence-based practices used in making pretrial release decisions take place, was adopted and included in the Judicial Branch's FY14-15 Strategic Plan</p> <p>The Minnesota Judicial Council, through the FY14-15 Judicial Branch Strategic Plan, directed the Committee for Equality and Justice (CEJ) to study evidence-based tools for use in making pretrial release decisions statewide. The purpose of the study was to provide information which would lead to a greater understanding of: 1) Statewide pretrial release practices; 2) The use of risk assessment tools; and, Studying pretrial release outcomes impacted by race or gender.</p> <p>The State Court Administrator's Research Division conducted the study with assistance from representatives from the Minnesota Department of Corrections, the Fourth Judicial District's Research Division, the Robina Institute at the University of Minnesota and the Arrowhead Regional Community Corrections. Members of the Committee for Equality and Justice served on the Pretrial Release Project Advisory Workgroup.</p>	<p>2013 DIVERSITY &amp; INCLUSION REPORT</p> <p>2014 DIVERSITY &amp; INCLUSION REPORT</p> <p>2014 DIVERSITY &amp; INCLUSION REPORT</p>	

Recommendation	Action taken	Date of Action & Source	Comments
	Judicial Council passes Judicial Branch policy 524 requiring judges to use evidence-based assessment of risk in setting pretrial release conditions and shall presumptively use non-financial release conditions to the greatest degree consistent with evidence-based assessment of flight risk and threat to public safety and to victims of crimes.	MINNESOTA JUDICIAL BRANCH POLICY 524. (Effective Date March 1, 2018 and January 1, 2019). <sup>2</sup>	
d) The Supreme Court Advisory Committee on Rules of Criminal Procedure should amend Rule 6.02 to expressly authorize the posting of a refundable ten percent (10%) of the face value of an unsecured bond to the court. This procedure would be consistent with the federal system and Rule 341(g)(2) of the Uniform Rules of Criminal Procedure (1987) and Standard 10-5.3(d) of the American Bar Association Standards for Criminal Justice (1985).	While Rule 6.02 does not expressly authorize the posting of a refundable ten percent (10%) of the face value of an unsecured bond to the court the Supreme Court Advisory Committee on Rules of Criminal Procedure did address this issues. <sup>3</sup>		

<sup>2</sup> Effective date staggered to allow for training and implementation of the validated risk assessment tool in 2018.

<sup>3</sup> In the comments to Rule 6, the Supreme Court Advisory Committee on Rules of Criminal Procedure stated, “Rule 341(g)(2) of the Uniform Rules of Criminal Procedure (1987) and Standard 10-5.3(d) of the American Bar Association Standards for Criminal Justice (1985) provide for release upon posting of ten percent of the face value of an unsecured bond and upon posting of a secured bond by an uncompensated surety. Although Rule 6.02 does not expressly authorize these options, the rule is broad enough to permit the court to set such conditions of release in an unusual case. If the ten percent cash option is authorized by the district court, it should be in lieu of, not in addition to, an unsecured bond, because there is generally no reasonable expectation of collecting on the unsecured bond and the public should not be deluded into thinking it will be collected. The court should consider the availability of a reliable person to help assure the defendant's appearance.”

Recommendation	Action taken	Date of Action & Source	Comments
<b>IV. PLEA NEGOTIATIONS</b>			
<b>V. JURIES</b>			
<p>a) Jury Management Rules should be amended to require that source lists for juries be expanded to include tribal eligible voter lists and lists of recently naturalized citizens.</p>	<p>While the rules have not been amended to "mandate" supplemental lists, the Research &amp; Information Technology Office of the Minnesota Supreme Court has studied the requirements for supplemental source lists and inquired about the availability of certain lists.</p>	<p>The Minnesota State Jury Source List: Creation, Questions, Standards, Aspirational Goals, Historical Background, The Minnesota Jury Rule 803 Committee, Susan Jennen Larson, Supreme Court (RITO), Lois McBride, Supreme Court (RITO), and Wayne Minske, Hennepin County (September 1997, Revised August 1998) (approved by Minnesota Jury Commissioners<sup>4</sup> &amp; The Minnesota Conference of Chief Judges<sup>5</sup>.)</p>	<p>In 2007-2008, feasibility of supplementing the Juror Source List with the tribal lists was considered, explored and analyzed. 'Unofficial' findings revealed that nearly all jury-eligible tribe members on the lists had a Minnesota driver's license or were government ID holders. Adding these tribal lists would have resulted in a duplication of names already included in the Juror Source List. In addition, some tribes were not willing to share tribal member lists for this purpose. Effort was not pursued further.</p> <p><b>Pursuant to Minn. Gen. R. Prac., Title IX. Jury Management Rule 806 (e) and (f):</b></p> <p>(e) The jury commissioner shall review the jury source list once every four years for its inclusiveness and the jury pool for its representativeness of the adult population in the county and report the results to the chief judge of the judicial district.</p> <p>(f) If the chief judge, or designee, determines that improvement is</p>

<sup>4</sup> Minnesota Jury Commissioners are Judicial District Administrators or their respective designees. Minn. Gen. R. Prac. 803 (1997).

<sup>5</sup> Now the Minnesota Judicial Council.

Recommendation	Action taken	Date of Action & Source	Comments
			needed in either the inclusiveness of the jury source list or the representativeness of the jury pool, appropriate corrective action shall be ordered.
<p>b) Public education programs should be promoted to increase awareness about the purpose and function of the grand and petit juries.</p>	<p>A new jury orientation video was created to better reflect Minnesota’s diversity. Judicial districts continue to monitor the racial composition of juries.</p> <p>The Minnesota Jury Commissioners:</p> <ul style="list-style-type: none"> <li>• Met with Hmong elders to discuss jury duty and answer questions;</li> <li>• Made copies of the jury orientation tape available to community groups;</li> <li>• Participated on cable access and radio programs to explain the importance of jury service;</li> <li>• Sponsored voter registration drives;</li> <li>• Prompted newspaper articles;</li> <li>• Distributed brochures to local community centers; and</li> <li>• Sponsored education in local high school civics classes.</li> </ul> <p>The Minnesota Judicial Branch developed a webpage located at <a href="http://mncourts.gov/Jurors.aspx">http://mncourts.gov/Jurors.aspx</a> with information tailored to jurors, and jury service.</p>	<p>March 2004</p>	<p><b>Sept. 2018:</b> Jury orientation video and juror handbook are the process of being updated with recommendations/suggestions to show more diversity in its scenes, clips and processes.</p> <p>The Judicial Branch’s Public Website is regularly updated with jury information and materials – most recently with juror accommodation info and accommodation request form, and with cautionary warnings about jury scams and what to do about them.</p> <p>Jury materials are regularly provided (upon request) to schools, for courthouse open house events, conferences, or to whomever requests them.</p> <p>Each year, the Jury Management Resources Team (JMRT) launches ‘Law Day’ campaigns and puts out News Releases to the public about Jury service.</p>
<p>c) The trial courts should educate themselves about the U.S. Supreme Court Batson decision and related cases, with an eye</p>	<p>All ten districts received training on handling <i>Batson</i> challenges to jurors.</p>	<p>1999 Race Bias Taskforce Progress Report</p>	

Recommendation	Action taken	Date of Action & Source	Comments
<p>towards strict enforcement regarding peremptory challenges. Because of the cultural diversity of our community and bias held by many members of the community, the lawyers should be given ample opportunity to inquire of jurors as to racial bias.</p>			
<p>d) Measures should be adopted to decrease the impact of hardships on potential jurors. For example, judicial districts should pay for drop-in daycare for jurors who normally are not daycare users.</p>	<p>In 1994, To help reduce these hardships on potential jurors, the Legislature appropriated funds to increase juror per diem from \$15.00 a day to \$30.00 a day. This was a follow-up to the 1993 legislature which provided funds for juror day care reimbursement. Both initiatives were undertaken in an effort to achieve greater representativeness on juries. Due to the financial downturn, the jury per diem was later reduced.</p> <p>Jurors are paid \$20.00 for each day that they report to the courthouse, plus roundtrip mileage from home to the courthouse at the rate of 54 cents per mile. The Court has worked to increase this rate.</p> <p>Jurors who are normally caring for their children or a disabled family member during the day can be reimbursed for daycare expenses up to \$50.00 per day in addition to other fees paid. Under the State of Minnesota guidelines there are two levels of daycare reimbursement: 1) Licensed daycare: Actual expenses, not to exceed \$50.00 per day of service per family not per family member; and 2). Non-Licensed Daycare: Actual expenses up to \$5.00 per hour, not to exceed \$40.00 per day of service per family.</p>		<p><b>Effective: July 1, 2016:</b></p> <p>Juror per diem pay was increased from \$10.00 to \$20.00 per reporting day.</p> <p>Juror mileage reimbursement for roundtrip travel to the courthouse was increased from \$.27 per mile to \$.54 per mile.</p> <p>Daycare reimbursement was also expanded to include daycare for a disabled adult family member. There are two levels of daycare reimbursement: 1) Licensed daycare: Actual expenses, not to exceed \$50.00 per day of service per family not per family member; and 2). Non-Licensed Daycare: Actual expenses up to \$5.00 per hour, not to exceed \$40.00 per day of service per family.</p>



Recommendation	Action taken	Date of Action & Source	Comments
<p>e) Chief Judges should ensure that jury commissioners collect racial information on people responding to the jury summons as required by the Jury Management Rules.</p>	<p>Race information is collected on the Juror Summons questionnaire.</p>		<p>The race data collected on the Juror Summons Questionnaire can be used to identify the race of the seated jurors. The Research &amp; Evaluation unit at state court administration was given access to the jury data and are looking into whether race breakdowns of juries at various stages of the selection process can be accessed.</p>
<p>f) The Supreme Court should amend the Jury Management Rules to require jury commissioners to collect racial information on people granted excuses and deferrals, reporting for jury duty, selected for voir dire panels and seated on juries.</p>	<p>Pursuant to Minnesota Judicial Branch Policy 509 the Judicial Branch will ensure that the jury pool is representative of the population from which the jury is drawn. To that end, pursuant to section IV of the policy, the State Court Administrator will develop a plan for identifying key results, and collecting and reporting data that measure performance in meeting these results. This plan will be presented to the Judicial Council for approval before the beginning of each biennium.</p>	<p>MINNESOTA JUDICIAL BRANCH POLICY 509 (EFFECTIVE AUGUST 4, 2008)</p>	<p><b>Judicial Council Policy 509 – Jury Management:</b></p> <p><b>II. IMPLEMENTATION AUTHORITY</b></p> <p>The Judicial Council retains the authority to set per diem, mileage and day care reimbursement rates for jurors, as delegated by the Supreme Court. The Judicial Council will also authorize all performance standards for the jury program.</p> <p>All other implementation of this policy shall be shared between the State Court Administrator, the chief judges of the ten judicial districts, and the jury commissioners, as defined in Rule 803, General Rules of Practice. The State Court Administrator’s Office will report to the Judicial Council with the results of the jury management performance standards once per biennium.</p>

Recommendation	Action taken	Date of Action & Source	Comments
			<p align="center"><b>III. EXECUTIVE LIMITATIONS</b></p> <p>The State Court Administrator will develop a plan for identifying key results, and collecting and reporting data that measure performance in meeting these results. This plan will be presented to the Judicial Council for approval before the beginning of each biennium.</p>
<p>g) Judges and district court administrators should be provided annual demographic information for their districts so that they can compare their jury pools to their district population. The state court administrator should be required to set a minimum percentage of people of color for jury pools based on the racial composition of each district. These minimum percentages should be submitted annually to the Supreme Court for review.</p>	<p>In February, 1994, RITO and the Minnesota Land Management Information Center provided state and county demographic data to each county using the 1990 federal census. Minnesota Jury Commissioners continue to work toward improved demographic information and jury statistics.</p> <p>In addition, the Conference of Chief Judges met on June 16, 1995, and passed the following mandatory language regarding race demographics. This question is to be asked of each prospective juror on the initial mailing of the Summons/Questionnaire. Summons Question 3.b:</p> <p>i. Race (including the following U.S. Census Bureau categories for “check-off” response: White; Asian/Pacific Islander; Black; American Indian/Eskimo/Aleut; Other)</p> <p>ii. Are you of Spanish/Hispanic decent or origin: (Yes) (No)</p>		<p>Performance Measures Key Results and Measures Annual Report:</p> <p>Juror demographical information is collected and reported to Judicial Council annually in the Fairness and Equity section: “Are jurors representative of our communities?” of the Performance Measures Key Results and Measures Annual Report. Jury Commissioners across the state collect juror demographical information from the juror qualification questionnaire. In FY18, only 1% of the statewide reporting jurors opted out of completing the demographical section of the qualification questionnaire.</p>
<p>h) The Minnesota Supreme Court should amend the Jury Management Rules to allow</p>	<p>Authorization of Hennepin and Ramsey Counties to adopt jury selection procedures guaranteeing minority representation on grand juries.</p>	<p>1999 IMPLEMENTATION COMMITTEE PROGRESS REPORT</p>	

Recommendation	Action taken	Date of Action & Source	Comments
<p>Hennepin and Ramsey County District Courts on a pilot basis to adopt new jury selection procedures that will guarantee minority representation on the grand jury equal to the percentage of the minority adult population of each judicial district as measured by the most recent census. This pilot project would allow jurors to be randomly selected as required under the current rules unless there are no people of color among the first 21 grand jurors selected. The selection process should continue until at least two out of the 23 grand jurors are people of color, thereby proportionately reflecting the minority population in Hennepin or Ramsey County. (In May 1993, the Fourth Judicial District, Hennepin County, overwhelmingly approved the adoption of the Grand Jury Pilot Project.)</p>	<p>Hennepin County creates a policy that guarantees minority representation on grand juries.</p> <p>In 1994, the Minnesota Supreme Court authorized Hennepin and Ramsey Counties to adopt new jury selection procedures that guarantee minority representation on the grand jury equal to the percentage of the minority adult population of each judicial district as measured by the 1990 census. The judicial districts must report back to the Supreme Court in two years on the impact of the new procedures.</p> <p>2017: The Mille Lacs County courts worked on following up with individuals when jury summons are sent out to help achieve appropriately diverse jury pools. This process stemmed from not seeing a proportional number of Native Americans on the juries, despite a nearby reservation with a large Ojibway population.</p>	<p>2002 IMPLEMENTATION COMMITTEE PROGRESS REPORT</p> <p>1994 IMPLEMENTATION COMMITTEE PROGRESS REPORT</p>	
<p>i) The State Court Administrator's Office should undertake an analysis to determine the nature of problems that may be barriers to minority jury participation and propose appropriate steps to rectify them.</p>			
<p>j) The Supreme Court should require that the juror summons</p>	<p>The Supreme Court phased in a requirement that juror summons and qualification forms be written in plain English and that other forms used in the</p>	<p>1994 IMPLEMENTATION COMMITTEE PROGRESS REPORT</p>	

Recommendation	Action taken	Date of Action & Source	Comments
and qualification form be written in simple English.	judicial system be translated into such additional languages as needed. The Conference of Chief Judges considered how to ensure that translated forms are needed and accurate.		
k) The State Court Administrator's Office should implement outreach programs for employers to encourage payment of employees' salaries during jury service			In a juror compensation survey conducted in 2015, a majority of employers have policies that pay employee's regular salaries while serving on jury duty. Making it mandatory would require legislation.
<b>VI. TRIALS</b>			
a) The Supreme Court, through the Implementation Committee, should require cultural sensitivity training for judges, prosecutors, private defense attorneys, public defenders, law clerks, bailiffs and other court personnel.	<p>Judges and referees have received training in the area of domestic violence.</p> <p>New judges, experienced judges, and court administration managers have received implicit bias training.</p> <p>Judicial trainings have also been conducted to address cultural competence, sexual orientation, and gender identity issues.</p> <p>The Committee for Equality and Justice made a recommendation to the Judicial Council to add diversity and inclusion education requirements to the Minnesota Judicial Branch Education Policy, resulting in one hour of such education per year for all judicial officers and employees. This was approved effective July 1, 2017.</p>	<p><b>Judicial Officers</b></p> <ol style="list-style-type: none"> <li>1. Annual Conference of Judges</li> <li>2. Bridging the Gap for Senior Judges</li> <li>3. New Judge Orientation</li> </ol> <p><b>Judicial Officers and Court Employees:</b> "Cultural Perspectives" 200-300 attendees in each live session since 2008.</p> <p><b>Court Employees:</b> "Why Diversity Matters" became required as a part of the New Employee Orientation (2008 - present). ~100 new and existing employees per session</p>	<p>State Law Library has also held many D&amp;I-related courses over the years.</p> <p>Cultural Perspectives courses are 90 - 120 minutes and are offered at least four times a year via WebEx and are recorded for future viewing. CJE and CLE Elimination of Bias credits offered.</p> <p>Why Diversity Matters are 90 minutes interactive live sessions offered at least 4 times a year.</p>
b) More minority judges must be appointed to the bench.	In 1992, that only 5 percent of judges were people of color. The Commission on Judicial Selection has made important efforts to encourage more women and diverse candidates to apply for judicial vacancies. Since 2011, the diversity of Minnesota judges has increased by almost 100 percent. 82% of all the Hispanic judges in Minnesota have been		

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	<p>appointed during this time. In Hennepin County alone, racial diversity has increased by 157 percent since 2011. Achieving racial diversity in Greater Minnesota has been more difficult but efforts continue. During the time since the Race Bias Taskforce landmark appointments such as Justice Wilhelmina Wright, the first African American woman appointed to the Minnesota Supreme Court<sup>6</sup>, Anne McKeig, the state's first Native American judge to the Minnesota Supreme Court, and Peter Reyes the first Latino/a appointed to the Minnesota Court of Appeals. Since 2011, of the 2,132 Minnesotans who applied for judicial vacancies, 59.52 percent were male to 40.48 percent female; 84.76 percent were Caucasian; 4.83 percent were African American; 3.33 percent were Asian; 2.82 percent were Hispanic; and 1.27 percent were Native American. Contrast these statistics with 2016 Lawyers Registration Data which shows that, among those who responded, 79.45 percent of attorneys in Minnesota are white, with the second-largest share dropping dramatically to 2.3 percent Asian/Pacific Islanders, followed by 1.85 percent for African Americans; 1 for Hispanic/Latinos; and 0.42 percent for Native Americans.</p>		
<p>c) Each district, through the efforts of the chief judge, should familiarize itself with the state court system's racial harassment policy and disseminate this information to court personnel and others who come in contact with the court system.</p>	<p>Judicial Council Policy 304, Discrimination and Harassment Policy has been effective beginning 2006 and amended in August 2018. It includes a detailed complaint procedure and addresses all forms of potential harassment and discrimination including sexual harassment. This policy is covered in new employee orientation. A questions and answer document accompanies the policy and is published on CourtNet.</p>	<p>2006, 2018</p>	<p>Training opportunities are on-going for both judges and court staff</p>

<sup>6</sup> The first-ever African American serving on the Minnesota Supreme Court was Justice Alan C. Page, who ran in 1992 and won the election following preliminary litigation over his right to be included on the ballot. Page v. Carlson, 488 N.W.2d 274 (Minn. 1992).

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<p>d) The Supreme Court, through the Implementation Committee, should require all courts to be more vigilant on issues concerning race, including but not limited to the following:</p> <p>i. Eliminating and discouraging racially disparaging remarks made in the courtroom and in chambers.</p>	<p>Training is required per <a href="#">Minnesota Judicial Council Policy 400</a>, Human Resources and Development, Education Policy.</p>		<p>Work should be done to ensure this is covered in New Judge training.</p>
<p>ii. Batson challenges</p>			<p>Education and training by Supreme Court Justices to all Districts</p>
<p>iii. The Supreme Court, through the Implementation Committee, should create a process to address complaints about issues of race involving the judiciary.</p>	<p>(10<sup>th</sup> District has or had a process in place but there were concerns about how it conflicts with the Board of Judicial Standards and how complaints can be handled statewide.)</p>		<p>Include issues related to gender, etc.</p>
<b>VII. PRESENTENCE INVESTIGATIONS</b>			
<p>a) The Supreme Court should encourage the creation of more culturally-specific treatment programs, and probation officers and judges should be encouraged to divert appropriate people of color into such programs.</p>			<p>Check with Treatment Courts on efforts to use culturally-specific treatment programming. Examine if culturally-specific programming effects return to incarceration rates. Examine if there is disparity in admissions to treatment courts based on race. If yes, identify barriers.</p>
<b>VIII. SENTENCING</b>			

Recommendation	Action taken	Date of Action & Source	Comments
<p>a) Judges and probation officers should be mandated to attend cultural diversity training as well as special skills training in the area of racially and culturally neutral sentencing determinations.</p>	<p>Diversity and Inclusion Training – Judges and Court staff are mandated to attend as of 2017. (probation not in Branch purview)</p>		<p>Judges are not mandated to attend sentencing training.</p>
<p>b) Each judicial district should implement a continuing program for diversion of first time drug offenders into treatment. For people of color, when possible, the treatment should be culturally specific/sensitive. Monitoring should be done by the chief judge of the judicial district with periodic reporting to the chief justice.</p>	<p>In 1993 the Minnesota Legislature passed Minnesota Statute 401.065 that required that, by July 1, 1994, every county attorney of a county participating in the Community Corrections Act shall establish a pretrial diversion program for adult offenders.</p> <p>Pursuant to Minnesota Statute 152.18 A court may defer prosecution on certain drug offenses.<sup>7</sup></p>	<p><i>Minn. Stat. § 401.065</i></p> <p><i>Minn. Stat. §152.18</i></p>	<p>Statute does not indicate culturally-specific treatment.</p>
<p>c) The State Court Administrator's Office in conjunction with the Sentencing Guidelines Commission, should study and evaluate sentencing disparities in order to identify and recommend ways to eliminate those based on race.</p>	<p>Pursuant to Minn. Stat. § 244.09 subd 6, 11, and 14 the Sentencing Guidelines Commission is mandated to prepare and submit to the Legislature a Report. As part of this report the Sentencing Guideline commission includes race data</p> <p>(SCAO and MSGC presented at the <a href="#">7.11.13 Committee for Equality and Justice meeting</a> on Major Criminal Filing Trends, Felony Sentencing, etc.)</p>	<p>In 2013 the State of Minnesota Council on Black Minnesotans prepared a report entitled, “Disparity Analysis: A review of disparities between White Minnesotans and other racial groups</p>	<p>In 2013 the State of Minnesota Council on Black Minnesotans prepared a report entitled, “Disparity Analysis: A review of disparities between White Minnesotans and other racial groups</p> <p>Racial Disparities in the Minnesota Criminal Justice System, Parry L. Moriearty, University of Minnesota Law School Robina Institute.</p>
<b>IX. CRIMES MOTIVATED BY BIAS</b>			
<p>a) To the extent permissible by law, the Minnesota Sentencing Guidelines Commission should amend the sentencing</p>	<p>Pursuant to the Minnesota Sentencing Guidelines Commission section 2.D.3.b(11) it is an aggravating factor if The offender intentionally selected the victim or the property against which the offense</p>	<p>MINNESOTA SENTENCING GUIDELINES COMMISSION. MINNESOTA SENTENCING GUIDELINES AND COMMENTARY. PAGE 46. ST. PAUL, MN: THE COMMISSION, 2018.</p>	

<sup>7</sup> The offenses that qualify are Minn. Stat. §152.023 subd. 2, Minn. Stat. §152.024 subd. 2, Minn. Stat. §152.025 subd. 2, Minn. Stat. §152.027 subd. 2, 3, 4, or 6.

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<p>guidelines to recognize bias motivation as an aggravating factor in felony prosecutions.</p>	<p>was committed, in whole or in part, because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.</p>		
<p><b>X. INTERPRETERS</b></p>			
<p>a) The Supreme Court should recommend and the Legislature should establish and fund a State Board for Interpretive Services to propose standards and procedures for the training, professional conduct, certification, qualification, testing and adequate compensation of certified interpreters. In establishing standards and qualifications, the Board should consult with the affected communities. If such a Board is not recommended or established by the Legislature, the Supreme Court should establish an equivalent board.</p>	<p>1994 - The Minnesota Legislature appropriated \$100,000 to fund the establishment of a statewide judicial interpreter certification program for court interpreters.</p>	<p>1994 MINN. LAWS, CHAP. 636, ART. 1, SEC. 14</p>	
<p>b) The Supreme Court should define the qualifications of appropriate bilingual and bilingual/multicultural court support personnel and should adopt policies to ensure that services delivered by court support personnel to people in need of interpreters are linguistically and culturally appropriate.</p>	<p>January 1, 1996 the Supreme Court adopted Rule 8 of the Minnesota General Rules of Practice for District Courts regarding Interpreters.</p> <p>October 26 1994, Minnesota Supreme Court established Minnesota Court Interpreter Advisory Committee charged with making recommendations for 1) A Code of Professional Responsibility for interpreters serving in the Minnesota Judicial System; 2) the curriculum for a pre-certification training and ongoing education program for court interpreters; 3) the design, content and conduct of court interpreter qualification, testing, certification</p>	<ul style="list-style-type: none"> <li>• MINN. R. GEN PRAC. RULE 8.</li> <li>• MINNESOTA SUPREME COURT ORDER (CR-94-1898) SEPTEMBER 15, 1994; AMENDED ORDER (CR-94-1898) (AUGUST 21, 1996).</li> </ul>	



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	<p>and certification renewal processes; 4) issues related to the availability, recruitment, on-site orientation and assignment of court interpreters; 5) the need for translation of standard court forms and informational brochures; 6) the development of such other procedures, policies and manuals as will facilitate the implementation of a court interpreters training and certification program and the effective administration of language interpretation within the Minnesota Judicial System.</p> <p>September 18, 1996, by order of the Court (C9-94-1898), The Minnesota Supreme Court promulgated the Rules on Certification of Court Interpreters for the regulation of interpreters in the Minnesota state court system.</p> <p>March 1, 2009 - The Supreme Court promulgated amendments to Rule 111 of the Minnesota General Rules of Practice for District Courts requiring parties to provide advance notice to the Court when an interpreter is needed.</p>	<ul style="list-style-type: none"> <li>MINNESOTA SUPREME COURT ORDER C9-94-1898, SEPTEMBER 18, 1996.</li> </ul>	
<p>c) The Chief Justice should recommend that the Higher Education Coordinating Board designate several public institutions of higher education as centers for (1) training court interpreters and legal</p>	<p>In July 1995, Minnesota is founding member of Consortium for State Court Interpreter Certification, a multi-state partnership dedicated to developing court interpreter proficiency tests, making tests available to member states, and regulating the use of the tests.<sup>8</sup></p>		

<sup>8</sup> In 1994, judicial leaders in Minnesota and Oregon, who were committed to improving interpreter programs in their states, asked the National Center for State Courts for assistance in developing interpreter testing programs of equal quality and effectiveness to those then in existence in New Jersey and Washington (which were studied and documented in the *Model Guides* publication). Staff of the NCSC invited representatives of those four states to work together with the NCSC to create a voluntary program in which member states could pool financial resources and professional expertise to eliminate duplication of expense and effort, and lower the cost of interpreter test development and administration for all of the member states. In July 1995, Minnesota along with New Jersey, Oregon, and Washington became the founding members of the Consortium for State Court Interpreter Certification.

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<p>translators, (2) equipping people preparing for employment in internal or external judiciary support services with cultural fluency and optional, ancillary interpreting and translating skills, and (3) developing the requisite skills of court personnel who are presently employed as interpreters, legal translators, or providers of bilingual/multicultural support services.</p>			
<p>d) The Legislature should define the term "qualified interpreter" to be a person who is certified by the state board for interpretive services.</p>	<p>Pursuant to Minnesota Statute 546.44 subdivision 1, a qualified interpreter is defined as, " a person who is readily able to communicate with the disabled person, translate the proceedings for the disabled person, and accurately repeat and translate the statements of the disabled person to the officials before whom the proceeding is taking place."</p>	<p>SEE MINN. STAT. § 546.44 SUBD. 1</p>	<p>There is no State Board for Interpretive Services. Qualifications are defined in Rule 8 and followed in policy and practices. Appointment of the most qualified interpreter is data that is regularly monitored by SCAO through reports and issues are addressed. MJB continues to be a member in good standing of the National Center for State Courts Council of Language Access Coordinators.</p>
<p>e) The Supreme Court should require continuing professional education of current and future personnel who provide court interpreting, legal translation, bilingual and bilingual/multicultural court support services. This includes attorneys and other individuals who represent clients in need of interpreters.</p>	<p>Pursuant to Cannon 10 of the Code of Professional Responsibility for Court Interpreters adopted by the Minnesota Supreme Court, "Interpreters shall continually strive to improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues, and specialists in related fields."</p>	<p>CANNON 10, CODE OF PROFESSIONAL RESPONSIBILITY FOR COURT INTERPRETERS adopted by the Minnesota Supreme Court on September 18, 1995.</p>	<p>The Court Interpreter program does not currently require continuing education for interpreters on the roster. Rule 8 does allow the SCAO to develop a continuing education program but it has not yet been developed, primarily because the cost of continuing education to the interpreter may result in the Branch losing some good interpreters who are not able to keep up with the required classes. Continuing education opportunities are</p>

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			communicated to interpreters on the roster in hopes they will take advantage of those opportunities on their own based on Canon 10. Work could be done to put a requirement in place that would not be a burden for rare language interpreters.
f) The Supreme Court should adopt canons of ethics binding upon all people who interpret or translate in or for the courts.	Code of Professional Responsibility for Court Interpreters adopted by the Minnesota Supreme Court on September 18, 1995.	CODE OF PROFESSIONAL RESPONSIBILITY FOR COURT INTERPRETERS adopted by the Minnesota Supreme Court on September 18, 1995.	
g) The Supreme Court should recommend and the Legislature should establish a comprehensive statutory basis for providing adequate court interpretation and legal translation services for all people in need of interpreters. (Existing statutory provisions for the deaf and hearing impaired may serve as a model.)	Minn. Stat. §§ 546.42, 546.43, 546.44 appointment and qualification of court interpreters in civil proceedings.  Minn. Stat. §§ 611.31, 611.32, 611.33 appointment and qualification of court interpreters in criminal proceedings  Minn. Stat. §546.43 proceeding where interpreter appointed.		
h) The Supreme Court should adopt uniform standards to govern all phases of all interpreted court proceedings and determine responsibilities for paying the related costs.	<i>Minn. R. Gen Prac. Rule 8</i> roster requirements, certification, and court appointment of interpreters.  <i>Minn. R. Gen Prac. Title IV. Rule 358</i> , court appointment of interpreters in child support matters.  <i>Minn. R. Civ. Pro Rule 43.07</i> , court appointment of interpreters in civil matters.  <i>Minn. R. Crim. Pro Rule 5.02</i> , court appointment of interpreters in criminal matters.		

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	<p><i>Minn. R. Crim. Pro Rule 26.03 subd. 17</i>, court appointment of interpreters for jurors</p> <p><i>Minn. R. Evid. Rule 604</i>, treatment of interpreters as expert witnesses</p>		
<p>i) The Supreme Court should ensure effective organization and efficient administration of court interpreting, legal translating, and bilingual and bilingual/multicultural court support services at the state and local levels.</p>	<p>The Judicial Branch offers classes in court interpreting and participates in a national court interpreter certification program. Certification exams are offered in sixteen languages.</p> <p>Remote telephone interpreting technology is being used throughout the Eighth Judicial District to facilitate timely case processing because the staff interpreter is unable to travel.</p> <p>The Minnesota Judicial Branch has developed and disseminated considerable resources including Interpreter Voir Dire Resource, Interpreter Jury Trial Guide, Criminal Jury Instruction Guide or Civil Jury Instruction Guide, Interpreter Bench Card, Video Remote Interpreting Bench Card, Video Remote Interpreting Information for Attorneys, and Tips for Working with Interpreters in the Courtroom</p>	<p>2012 MINNESOTA JUDICIAL BRANCH ANNUAL REPORT</p>	<p>The State Court Administrator’s Office employs a full-time staff to coordinate the Court Interpreter Program and other language access services for the Branch.</p>
<p>j) The Supreme Court should adopt policies which will attract, employ and retain sufficient numbers of qualified court interpreters, legal translators, bilingual and bilingual/multicultural court support personnel.</p>	<p>Numerous outreach events are attended by HRD staff. HRD will often include preference for bilingual applicants when needed.</p> <p>Examples: <a href="#">Bilingual (Spanish-English) Court Operations Associate</a>, <a href="#">Violations Bureau and Criminal eFiling Unit</a></p>		<p>Encouraging this within the Branch is a current practice but no policy exists.</p>
<p>k) The Supreme Court should adopt a policy that requires all judicial forms and documents used by people involved in court proceedings to be drafted in</p>	<p>The Minnesota Judicial Branch Court Interpreter Program and Language Access Services have worked to make improvements to translated forms and documents for Limited English Proficient court users.</p>	<p>2016 DIVERSITY &amp; INCLUSION REPORT</p> <p>2015 DIVERSITY &amp; INCLUSION REPORT</p>	



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	<p>An English Language Learner (ELL) curriculum was also developed as a part of this project.</p> <p>The Statewide Language Access Plan addresses the need for signage at court facilities informing court users of their right to an interpreter.</p> <p>The complaint policies related to language access and interpreters are also addressed in the Language Access Plan and monitored by SCAO Program Coordinator.</p> <p>Interpreter Information Card developed</p>	<p>2016 - STATEWIDE LANGUAGE ACCESS PLAN APPROVED.</p> <p>2018 – INFORMATION CARD APPROVED  <a href="http://mncourts.gov/help-topics/court-interpreter-program.aspx#tab02inneedaninterpreter">HTTP://MNCOURTS.GOV/HELP-TOPICS/COURT-INTERPRETER-PROGRAM.ASPX#TAB02INNEEDANINTERPRETER</a></p>	
<p>m) The Supreme Court should adopt policies and programs to orient and sensitize all court personnel who deliver services to people in need of interpreters with regard to the importance and complexities of communicating with people of diverse linguistic and cultural backgrounds. This orientation should include instruction regarding techniques for working with a court interpreter as well as how to develop a better "ear" for communicating with people whose English may be heavily accented.</p>	<p>Training for all new Minnesota Judges as part of New Judge Orientation ended and was replaced with an on-line training module.</p> <p>Some Districts have developed training for their local Bench.</p>		<p>Need to examine the possibility of reinstating statewide training on use of interpreters at New Judge Orientation</p>
<p>n) The Chief Justice should recommend that the state's law schools and continuing legal education providers offer instruction to attorneys and legal personnel on how best to provide effective services which</p>	<p>(not a top priority)</p>		

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<p>are sensitive to the diverse backgrounds of people in need of interpreters, as well as how to work with a court interpreter.</p>			
<b>XI. LAW ENFORCEMENT</b>			
<p>a) The Supreme Court should establish and the Legislature should fund an initiative to develop long-term plans to address problems in minority community-law enforcement relations. The initiative should include the funding of the proposed Community/Law Enforcement Relations Commission.</p>	<p>Governor’s Council on Law Enforcement and Community Relations convened in 2016. The Introduction of <a href="#">the Initial Report</a> begins; <i>Minnesota’s citizens, like the rest of the country, watched as young men of color from multiple states died tragically due to the use of deadly force by law enforcement officers; they also saw police officers around the country tragically slain.</i> The Final Report: <a href="https://www.leg.state.mn.us/docs/2017/other/170940.pdf">https://www.leg.state.mn.us/docs/2017/other/170940.pdf</a></p>		<p>Branch cannot order Legislature to fund.</p>
<b>XII. JUVENILE AND FAMILY LAW</b>			
<p>a) The Supreme Court should require courts to collect accurate race-specific data on all people being brought into juvenile court.</p>	<p>In 2001-2002, the Implementation Committee oversaw the creation of a statewide race data collection project. The committee made the decision to use self-reported data, and to follow U.S. Census race and ethnicity categories. The committee also decided data would be collected at the first court appearance so the data could be used to analyze all stages of the process.</p> <p>In June 2006, the Judicial Council adopted Minnesota Judicial Branch Policy 1002, “Racial, Ethnic, and Gender Fairness Policy.” Under this policy, State Court Administration is required to collect race and other pertinent data, and provide data analysis assistance. In addition, Policy 1002 requires each judicial district to establish and maintain an Equal Justice Committee tasked with analyzing available data, and developing and implementing plans to address problem areas.</p>	<p>MINNESOTA JUDICIAL BRANCH IMPLEMENTATION OF THE 1993 RACIAL BIAS TASK FORCE REPORT FINAL PROGRESS REPORT, (2010)</p> <p>MINNESOTA JUDICIAL BRANCH POLICY 1002 (EFFECTIVE JUNE 2006)</p>	<p>As more Districts install kiosks for pre-hearing check-in, collection of race data information is being piloted on the kiosks in Ramsey County. Pilot results will be evaluated and recommendations made to Judicial Council.</p>

Recommendation	Action taken	Date of Action & Source	Comments
<p>b) Because a child's racial background may often not be visibly apparent, rules should be adopted by appropriate bodies, including the Supreme Court and the Department of Human Services, that will allow the complete elicitation of racial and ethnic or cultural affiliations from the child who is the subject of the data or people related to that child, and that such elicitation be done at the earliest opportunity in a manner that is non-coercive, in order that the legal philosophy of protecting the racial, ethnic, or cultural affiliations of the child is enhanced.</p>	<p>SEE ABOVE</p>	<p>SEE ABOVE</p>	
<p>c) All current judges, attorneys, social workers, guardians' ad litem, and other court personnel should receive education and training to increase their sensitivity to cultural and racial issues, including training in the provisions of the ICWA.</p>	<p>Judicial Education provided on Indian Child Welfare Act (ICWA).  SCAO Programs Office provides ICWA training annually through the Children's Justice Initiative, to Judicial Officers, attorneys, and others. Judicial Education and Cultural Perspectives and CJI trainings. <a href="https://sp.courts.state.mn.us/mjb/edu/alleed/Lists/diversityinclusion/American_Indian_or_Alaska_Native.aspx">https://sp.courts.state.mn.us/mjb/edu/alleed/Lists/diversityinclusion/American_Indian_or_Alaska_Native.aspx</a></p>	<p>1994 RACE BIAS TASKFORCE PROGRESS REPORT.  BEGINNING IN 2014</p>	
<p>d) The Courts should more actively pursue recruitment and retention of minority guardians' ad litem on a statewide basis, and all guardians should be adequately compensated.</p>	<p>In 2010 the Minnesota Legislature created the State Guardian ad Litem Board (Minnesota Statutes § 480.35), which moved the administration of the Guardian ad Litem Program from the state court system and to the Board. Prior to 2010, pursuant to the General Rules of Practice for District Courts, Title X, Rule 902, the Office of the State Court</p>	<p>STATE GUARDIAN AD LITEM BOARD POLICY NO. 4, GUARDIAN AD LITEM PROGRAM REQUIREMENTS AND GUIDELINES (NON-STATUTORY) (FORMERLY GUARDIAN AD LITEM SYSTEM PROGRAM STANDARDS) SUPERSEDES: CCJ ADMINISTRATIVE POLICY #20. (APPROVED: SEPTEMBER 23,</p>	<p>The Guardian AD Litem program is no longer part of the MJB.</p>



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	<p>Administrator established Guardian ad Litem Program Standards and the standards were approved by the Judicial Council. The State Guardian ad Litem Board revised the standards and renamed them Requirements and Guidelines (Non-statutory) on September 23, 2011. Pursuant to section II. (a) (Recruitment). For external postings, the recruitment of persons to apply to be guardian's ad litem shall be announced to the general public. Public announcements shall be made by, or under the direction of, the GAL program manager. Every public announcement shall contain an equal opportunity statement, and an active recruitment shall be made to solicit applications from individuals whose gender, ethnic, racial, cultural, and socio-economic backgrounds reflect the diversity of the population the applicant is expected to serve. Announcements shall be provided to tribal social service agencies and to public agencies and private organizations serving ethnic and cultural communities, and shall be placed in publications directed to ethnic and cultural communities in the county or counties to be served.</p>	<p>2011)(EFFECTIVE DATE: NOVEMBER 1, 2011)</p>	
<p>e) The Supreme Court should amend the Rules of Juvenile Court to require whenever non-same race placements are made that such cases be closely monitored by the trial court, including seeking same race placements on a continual basis.</p>			
<b>XIII. JUVENILE DELINQUENCY</b>			
<p>a) The Supreme Court should mandate that courts collect accurate race-specific data on</p>	<p>In 2001-2002, the Implementation Committee oversaw the creation of a statewide race data collection project. The committee made the</p>	<p>MINNESOTA JUDICIAL BRANCH IMPLEMENTATION OF THE 1993 RACIAL</p>	<p>Much has been accomplished but this is an on-going task.</p>

Recommendation	Action taken	Date of Action & Source	Comments
<p>all people subject to juvenile court jurisdiction.</p>	<p>decision to use self-reported data, and to follow U.S. Census race and ethnicity categories. The committee also decided data would be collected at the first court appearance so the data could be used to analyze all stages of the process.</p> <p>In June 2006, the Judicial Council adopted Minnesota Judicial Branch Policy 1502, “Racial, Ethnic, and Gender Fairness Policy.” Under this policy, State Court Administration is required to collect race and other pertinent data, and provide data analysis assistance. In addition, Policy 1502 requires each judicial district to establish and maintain an Equal Justice Committee tasked with analyzing available data, and developing and implementing plans to address problem areas.</p> <p>In 1994, the Minnesota Legislature mandated that the criminal and juvenile information policy group, as one of its many tasks, would determine how to collect data on race and ethnicity in the criminal justice information systems. The group consists of the chair of the Sentencing Guidelines Commission, the Commissioner of Corrections, the Commissioner of Public Safety, and the State Court Administrator.</p> <p>Ramsey County piloting collection of race data in Juvenile cases through a check-in kiosk. Results will be evaluated and recommendations developed by the Committee for Equality and Justice brought to the Judicial Council</p>	<p>BIAS TASK FORCE REPORT FINAL PROGRESS REPORT, (2010), PAGE 2.</p> <p>MINNESOTA JUDICIAL BRANCH POLICY 1502 (EFFECTIVE JUNE 2006) (PREVIOUSLY MINNESOTA JUDICIAL BRANCH POLICY 1002).</p> <p>SEE ALSO, MINN. STAT. §260B.171, SUBD. 2(D) (1) (2017).</p> <p>2018-2019</p>	
<p>b) Rules should be adopted by appropriate agencies, including the Supreme Court and the Department of Human Services, that will allow the complete elicitation of racial and ethnic or</p>	<p>See Above Judges receive on-going training on effective ways to collect race information for data purposes.</p>	<p>See Above</p>	

Recommendation	Action taken	Date of Action & Source	Comments
<p>cultural affiliations from the child who is the subject of the data or people related to that child and that such elicitation be done at the earliest opportunity in a non-coercive manner in order that the legal philosophy of protecting racial, ethnic, or cultural affiliations of the child is enhanced.</p>			
<p>c) The Courts should use great care so as not to be influenced by the pre-adjudication determination in making a final disposition. This merits further study by the Juvenile Justice Task Force of the Supreme Court.</p>	<p>Multiple counties and districts have partnered with the Anne E Casey Foundation to begin the Juvenile Detention Alternative Initiatives (JDAI): A collaboration of the Juvenile Court, Juvenile Probation, Juvenile Detention Center, Department of Community Corrections &amp; Rehabilitation (DOCCR) Administration, County Attorney, Public Defender’s offices, and community members. The goals of JDAI are to: 1) Decrease the number of youth unnecessarily or inappropriately detained; 2) Reduce the number of youth who fail to appear in court or re-offend pending adjudication; 3) Redirect public funds towards effective juvenile justice processes and public safety strategies; 4) Reduce the disproportionate minority confinement and contact of the juvenile justice system; and, 5) Improve the juvenile justice system overall.</p>	<p><a href="http://jdai-mn.org/">http://jdai-mn.org/</a></p>	
<p><b>XIV. ACCESS TO REPRESENTATION AND INTERACTION, AND GENERAL CIVIL PROCESS<sup>ii</sup></b></p>			
<p>a) The Supreme Court, the Minnesota State Bar Association (MSBA), Minnesota Minority Lawyers Association (MMLA), other minority law associations, and legal aid providers should strengthen their commitment to</p>	<p>The Minnesota State Bar Association (MSBA) has a Pro Bono Director position, a standing Pro Bono Council group dedicated to increasing pro bono work across the state, and has created the NorthStar Lawyer, a recognition program for attorneys who provide 50 hours or more of legal</p>		

Recommendation	Action taken	Date of Action & Source	Comments
<p>motivating private attorneys to provide pro bono or reduced-fee services, or otherwise financially support representation to people of color.</p>	<p>services as defined in Rule 6.1(a), (b)(1) and (b)(2) of the Rules of Professional Conduct.</p> <p>ProJusticeMN a collaboration between MSBA and the Legal Service State Support provides an online location for attorney to find pro bono cases in their area, receive advice and a directory of legal service providers, and other helpful resources.</p> <p>Minnesota received a Justice for All grant from the National Center for State Courts in 2018 to work on increasing free and low-cost legal services statewide. This includes a redesigned <a href="http://www.lawhelpmn.org">www.lawhelpmn.org</a> that will be launched in 2019 to better connect users with available resources, including pro bono and low-fee representation. Through this project, the Minnesota State Bar Association (MSBA) has created a low cost unbundled services roster.</p>		
<p>b) The Supreme Court should encourage and support the Minnesota State Bar Association (MSBA) and Legal Aid Society efforts to raise foundation dollars to leverage pro bono time to create a specialized employment and/or housing discrimination panel (including necessary training, and support and administration activities) to assist people of color.</p>	<p>There are housing discrimination units at both Mid-Minnesota Legal Aid (MMLA) and Southern Minnesota Regional Legal Services (SMRLS) that have dedicated staff for this work. In addition, general housing pro bono cases closed have increased dramatically in the past decade. Legal aid does not prioritize employment discrimination because it would compete with the private bar attorney's fees structure for these cases. There are significant legal information resources on employment and housing discrimination on <a href="https://www.lawhelpmn.org/">https://www.lawhelpmn.org/</a></p>		
<p>c) The Supreme Court, the Minnesota Minority Lawyers Association (MMLA) and other minority bar associations in conjunction with the Minnesota State Bar Association (MSBA) should identify a pool of people</p>	<p>A portion of this work is being done by Twin Cities Diversity in Practice, a nonprofit association of legal employers with the "vision to create a vibrant and inclusive legal community and mission to strengthen efforts of member organizations to attract, recruit, advance and retain attorneys of color."</p>	<p><a href="http://www.diversityinpractice.org">www.diversityinpractice.org</a></p>	

Recommendation	Action taken	Date of Action & Source	Comments
with expertise to provide cultural diversity training for legal employers.	Diversity and Inclusion Education courses offered by Minnesota Judicial Branch database <b>listed by topic <a href="#">here</a></b> .	<a href="https://sp.courts.state.mn.us/mjb/edu/alleed/Pages/diversity.aspx">https://sp.courts.state.mn.us/mjb/edu/alleed/Pages/diversity.aspx</a>	
d) The Supreme Court should work with the Minnesota Department of Education to develop materials and to encourage or require courses in the elementary and secondary school setting to develop greater understanding of the legal system.	There have been many materials developed for elementary and secondary school setting. <sup>9</sup>	<a href="http://mncourts.gov/Teachers-and-Students.aspx">http://mncourts.gov/Teachers-and-Students.aspx</a>	
e) Judges, justice system personnel and attorneys should receive specific training on the Indian Child Welfare Act and Native American treaty rights issues.	Judicial Education provided on Indian Child Welfare Act (ICWA).  SCAO Programs Office provides ICWA training annually through the Children’s Justice Initiative, to Judicial Officers, attorneys, and others.	Beginning in 2014 Cultural Perspectives sessions offered by the Branch on ICWA, Native Nations and Understanding Tribal, State and Federal Courts.	

<sup>9</sup> The following curriculum has been developed: 1) No Vehicles in the Park - Grades 3-8 lesson with the objective learn about the court’s role as interpreter of laws and to understand the sometimes difficult duty of considering the letter of the law as well as the intent of the law; 2) Resolving conflicts, A Grades K-5 (PDF) Objectives: To learn the mediation process for resolving conflict and to learn the courts’ role of resolving conflicts peacefully; 3) Choosing a Judge, Grades 7-12 lesson with the to explain and evaluate the procedures used to select judges. To understand the governor’s constitutional power to appoint judges. To identify factors that are considered in judicial appointments. In addition, the following lessons were developed as part of a curriculum-development workshop that was sponsored by the Minnesota Supreme Court Historical Society, with the assistance of the Minnesota Supreme Court, the MSBA Civic Education Committee, and the Learning Law and Democracy Foundation: 1) Understanding the Minnesota Judiciary: Legislators and Judges are Different, Grades 9-12 lesson where students will learn that judges and legislators have different roles to play in our system of government by analyzing a case study that describes the development and application of the Minnesota Move Over traffic law, which requires that drivers move over a lane when approaching a squad car involved in a traffic stop; 2) Understanding the Minnesota Judiciary: Judicial Decision Making , Grades 9-12 lesson describing Minnesota’s different levels of courts differentiating them by structure, function, and decision making processes; 3) Understanding the Minnesota Judiciary: Elections and Impartiality, Grades 9-12 lesson where students will learn about judicial elections and impartiality through case studies on the exercise of First Amendment rights in judicial elections, limitations on corporate contributions, and procedures to protect impartiality. Other curriculum developed includes, “Going to Court in Minnesota” with a half-hour video designed to help immigrants, refugees, and others better understand the Minnesota court system and be prepared to go to court (Provided in four languages: English, Hmong, Somali, and Spanish), and “Going to Court” curriculum designed for use with the video by teachers in English Language Learner classes.

Recommendation	Action taken	Date of Action & Source	Comments
		Diversity and Inclusion Education courses <b>listed by topic <a href="#">here</a>.</b>	
<b>XV. MINNESOTA BAR EXAMINATION</b>			
<p>a) The Supreme Court should study the Minnesota bar examination process to determine if any of the following specific areas of concern affect pass/fail rates: English as a second language; unequal quality of education received prior to law school; financial status (i.e. needing to work during law school and during preparation for the bar); availability and/or efficacy of minority-focused tutoring programs; possible bias in some elements of law school curricula; possible bias in private bar preparation program curricula; the impact of poverty; the particular law school attended, LSAT scores, law school rank, etc.</p>	<p>The Board of Law Examiners has worked with the Implementation Committee to ensure that all law examination questions are reviewed for bias and that at least 25% of graders are people of color. The Board has also greatly increased its outreach efforts to explain how the exam is graded and make itself available to hear community concerns.</p> <p>The Board of Law Examiners published a brochure which explains the character and fitness portion of the bar admission process. The Board planned to distribute brochure in 1995 that will describe the bar exam grading process. In addition, the Board consulted with the minority bar associations on ways to increase the numbers of minority persons participating in the grading process.</p>	<p>APRIL 2002 PROGRESS REPORT</p> <p>1994 PROGRESS REPORT</p>	
<b>XVI. JUDICIAL EVALUATION</b>			
<p>a) Responsibly-conducted surveys and resulting reports should comply with commonly accepted standards of sound survey design and analysis.</p>			<p>The Fourth Judicial District has developed judicial evaluation survey which could be explored for the potential to be used statewide.</p>
<p>b) Recognizing that such surveys simply measure perceptions, the authors need to be sensitive to the real potential for such racial biases in their results, take steps to minimize such bias in their surveys, and warn the reader</p>			

Recommendation	Action taken	Date of Action & Source	Comments
about this possibility in their reports			
<b>XVII. BUILDING CULTURAL DIVERSITY IN THE JUSTICE SYSTEM WORKPLACE</b>			
a) Cultural Sensitivity Training. Agencies and departments should be required to provide cultural diversity training as recommended in other sections of this report.	Proposal submitted to the Conference of Chief Judges for a resolution requiring that all judges receive cultural diversity related training by March 1995. The resolution was passed in March of 1994 and was in the implementation stage at the time the 1994 Progress Report was issued. <i>Why Diversity Matters</i> training is required for all new Branch employees and is offered 4-6 times a year.	1994 RACE BIAS TASKFORCE PROGRESS REPORT	
b) <u>Networking</u> . Expanding our existing ties with the communities we serve is essential. Community participation/leadership should be a preferred qualification for hiring/promotion at all levels. Involvement in minority communities is a plus.	The Branch has participated in targeted career fairs since 2008.  Community Resource guide developed in 2008 with over 200 community groups; shared with Committee for Equality and Justice and Human Resources Division. The guide will be used to start sending job postings in 2019.	2008 – on-going	
c) Each office responsible for hiring prosecutors, public defenders, law clerks, court reporters and other court personnel should actively recruit and hire more people of color for these positions.	Community Resource guide developed in 2008 with over 200 community groups; shared with Committee for Equality and Justice and Human Resources Division. The guide will be used to start sending job postings in 2019.	2008 – on-going	
d) <u>Hiring</u> . All job applications, tests and oral examinations should be modified to allow applicants an opportunity to demonstrate they possess this ability in addition to other job-related traits.	October 1994 seminar to improve diversity and to improve the recruitment, hiring, retention and promotion of diverse staff in courts and criminal justice agencies. The Colors of Justice program is sponsored by the Implementation Committee.	1994 RACE BIAS TASKFORCE PROGRESS REPORT	

Recommendation	Action taken	Date of Action & Source	Comments
e) <u>Promotions</u> . Similarly, candidates for promotion should be required and given the opportunity to demonstrate a heightened ability to create and/or manage a culturally diverse workforce.			
f) <u>Bilingual Skills</u> . The ability to communicate in a foreign language should be considered a preferred or required qualification; which would depend upon community needs and agency resources.	When appropriate, job postings include bilingual preference/requirement.		
g) <u>Affirmative Action Programs</u> . Various agencies/departments within the system should be required to have affirmative action programs as recommended in other sections of this report.	The Judicial Branch does not have an affirmative action program. Diversity Specialist role created in 2007.	2007	

<sup>i</sup> Information provided by Bridget Gernander, Legal Services Grant Manager, Court Service

<sup>iii</sup> Information provided by Bridget Gernander, Legal Services Grant Manager, Court Service



Recommendation	Action taken	Date of Action & Source	Comments
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## APPENDIX A - Actions taken by the Judicial Branch beyond original Task Force recommendation

### ARREST/CHARGING/FORFEITURE

Other Non-Judicial Branch Actions	<p>On March 1, 1996, the Board of Peace Officers Standard and Training released model policy regarding the professional conduct of peace officers developed in response to a 1995 legislative mandate based on the Task Force recommendations.</p> <p>CEJ staff provided a statewide overview of race data collection rates for the Judicial Administrators and Directors (JAD) in March 2015 to help encourage courts to obtain race data collection rates of at least 90%. The Minnesota Judicial Branch has required self-reported race data collection in all criminal, delinquency, CHIPS and traffic cases with a court appearance since 2001. CEJ staff shared information with each judicial district on available race data, collection rates, adult criminal filings and dispositions and defendants in pretrial custody throughout FY16-17 at Equal Justice Committee (EJC) meetings, Court Administrators' meetings and/or Bench meetings.</p>	2015 DIVERSITY & INCLUSION REPORT	
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### CRIMES MOTIVATED BY BIAS

Other Actions taken by the Minnesota Judicial Branch	1994 the Implementation Committee successfully sought legislation that mandated that all county attorneys and city attorneys receive training on prosecuting bias-motivated crimes.	1994 IMPLEMENTATION COMMITTEE PROGRESS REPORT	
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Recommendation	Action taken	Date of Action & Source	Comments
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### JURIES

Other Minnesota Judicial Branch Actions	In 1994, the Criminal Rules were revised to address <i>Batson</i> challenges.		
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### TRIALS

a) Other Minnesota Judicial Branch Actions	The Committee for Equality and Justice developed an Implicit Bias Bench Card for use by judicial officers. The purpose of the bench card is to build awareness of and address the potential for unconscious bias at various decision points in the court process. The bench card was distributed statewide to judges in 2015.	ANNUAL DIVERSITY & INCLUSION REPORTS - 2010 THROUGH PRESENT. AVAILABLE ON COURTNET	
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### JUVENILE AND FAMILY LAW

Other Actions taken by the Minnesota Judicial Branch	Hennepin and Dakota counties undertook comprehensive reviews of child protection case processing in an effort to improve handling and outcomes for children involved in the system. They worked to develop best practice protocols for use around the state.	1998 STATE COURT ANNUAL REPORT	
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### BUILDING CULTURAL DIVERSITY IN THE JUSTICE SYSTEM WORKPLACE

Other Actions taken by the Minnesota Judicial Branch	<p>Local committees have created programs to improve the ability of people with limited English proficiency to navigate the court system. The Fourth District received a grant to create a Multicultural Services Center that includes Spanish- and Somali-speaking liaisons.</p> <p>July 1, 2003 Minnesota Judicial Council adopts Policy 302 (Equal Employment Opportunity Policy)</p> <p>January 20, 2006 Minnesota Judicial Council adopts Policy 304 (Discrimination and Harassment Policy).</p>	<p>Branch Diversity and Inclusion reports 2010-present available on CourtNet:</p> <ul style="list-style-type: none"> <li>• <a href="#">2017 Minnesota Judicial Branch Diversity and Inclusion Annual Report</a></li> <li>• <a href="#">2016 Minnesota Judicial Branch Diversity and Inclusion Annual Report</a></li> </ul>	
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Recommendation	Action taken	Date of Action & Source	Comments
	<p>October 1994 seminar to improve diversity and to improve the recruitment, hiring, retention and promotion of diverse staff in courts and criminal justice agencies.</p> <p>In 2005 The Minnesota Supreme Court amended rules of public access to add Rule 4 subdivision 1(e) regarding access to race and ethnicity records.</p>	<ul style="list-style-type: none"> <li>• <a href="#">2015 Minnesota Judicial Branch Diversity and Inclusion Annual Report</a></li> <li>• <a href="#">2014 Minnesota Judicial Branch Diversity and Inclusion Annual Report</a></li> <li>• <a href="#">2013 Minnesota Judicial Branch Diversity Update</a></li> <li>• <a href="#">2011-2012 Minnesota Judicial Branch Diversity Update</a></li> <li>• <a href="#">2010 Minnesota Judicial Branch Diversity Update</a></li> </ul>	

## APPENDIX B – Items not within Judicial Branch purview

### ARREST/CHARGING/FORFEITURE

<p>The Legislature should require that all law enforcement agencies, county and/or city attorney offices keep statistics regarding annual arrests by type of offense, with a breakdown by municipality, race, age, gender and dispositions.</p>	<p>During the 2001 legislative session, the Minnesota legislature enacted Minnesota Statute § 626.951, providing for a racial profiling study.</p>		
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Recommendation	Action taken	Date of Action & Source	Comments
<p>The forfeiture statute should be amended to establish a \$300 minimal threshold value of property to be forfeited as described in Minn. Stat. § 609.5314. Forfeited non-contraband property should be returned to those people who are arrested and not charged as well as to those people who are charged but not convicted of an offense.</p>	<p>In response to the 2009 Legislative Audit into the Metro Gang Strike Force, the 2010 Legislature passed two bills that addressed the oversight of multijurisdictional task forces. (See Laws 2010, ch. 383.)</p> <p>Chapter 391 implemented the following changes in forfeiture law: 1) Requiring officers to give receipts upon seizing property; 2) Amending bond provisions for forfeited property; 3) Implements timelines for forfeiture notice and hearings; 4) Amends conciliation court jurisdiction to include certain forfeiture claims; 5) Places a cap on the value of property that may be forfeited administratively; 6) Requires prosecutors to certify administrative forfeitures; 7) Prohibits sales of forfeited property to officers and their family members; 8) Amends and expands forfeiture reporting requirements; and 9) Requires the Peace Officers Standards and Training (POST) Board and the Minnesota County Attorneys' Association to develop a statewide model policy for best practices in forfeiture.</p> <p>There were subsequent updates to the forfeiture law in 2012, 2013, 2014, and 2017.</p>		

### VICTIM SERVICES

<p>The state should require a victim services program in every county, to be funded with state funds.</p>	<ul style="list-style-type: none"> <li>In 1998, when Governor Carlson issued a reorganization order that transferred the crime victim services functions of the Department of Corrections, the Department of Administration, and the Department of Public Safety (DPS) to the Office of Crime Victim Ombudsman and, ultimately, to a new office known as the Center for Crime</li> </ul>	<p>Stat. §§ 611A.31 to 611A.36; Domestic violence programs, which provide intervention, shelter, emergency housing, support, and advocacy services to victims of domestic abuse and their children.</p>	
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Recommendation	Action taken	Date of Action & Source	Comments
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	<p>Victim Services. In 2003, Governor Pawlenty consolidated crime victim services further by creating, within DPS, the Crime Victim Services Unit in the Office of Justice Programs. In addition, the unit was given authority over the crime victim programs consolidated under the earlier reorganization order as well as additional programs transferred from the Department of Economic Security (juvenile justice programs), the Department of Education (abused children grant programs), and the Minnesota Planning Agency (crime statistics). The legislature also has contributed to these administrative changes by enacting legislation terminating numerous advisory councils located throughout state government, including many located within the crime victim services area. Certain positions and programs have been eliminated due to budget reductions (e.g., Minn. Stat. § 611A.201).</p> <ul style="list-style-type: none"> <li>The Crime Victim Grants Team administers and distributes state and federal funds to agencies throughout the state to provide direct advocacy services to crime victims. See Minn. Stat. §§ 611A.31 to 611A.36; Minn. Stat. §§ 611A.21 to 611A.22; Minn. Stat. §§ 611A.41 to 611A.43; See Minn. Stat. § 119A.04, subd. 4; See Laws 2007, ch. 54, art. 1, § 18; See Minn. Stat. § 119A.37; and Minn. Stat. § 611A.675.</li> </ul>	<p>Minn. Stat. §§ 611A.21 to 611A.221; Sexual assault programs, which provide advocacy and support services for victims of sexual assault, including crisis intervention, assistance during medical procedures, investigation and court activities, and assistance in accessing services.</p> <p>Minn. Stat. §§ 611A.41 to 611A.43; General crime victims programs, which provide services to victims of other types of crime, such as homicide, assault, robbery, burglary, theft, and identity theft.</p> <p>Minn. Stat. § 119A.04, subd. 4; Abused children programs, which provide advocacy and assistance services to victims of child abuse and neglect.</p> <p>Laws 2007, ch. 54, art. 1, § 18 Child advocacy centers, which provide a comprehensive, multidisciplinary team response to allegations of physical and sexual child abuse in a dedicated child friendly setting.</p> <p>Minn. Stat. § 119A.37; Parenting time centers, which provide a safe environment for parenting time, visitation, or exchange of children at a neutral site.</p> <p>Minn. Stat. § 611A.675; Child advocacy centers, which provide a</p>	
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Recommendation	Action taken	Date of Action & Source	Comments
		comprehensive, multidisciplinary team response to allegations of physical and sexual child abuse in a dedicated child friendly setting.	
The Police Officer Standards and Training (POST) Board should require all peace officers to have a minimum of four hours of skills-oriented victims' rights training. The training should incorporate concepts from cultural-diversity training to help peace officers approach minority victims supportively and communicate their rights to them effectively.	In 1992 the Minnesota legislature amended Minnesota Statute 646.841 subd. 1(a) to require the POST Board to prepare a training course to assist peace officers in responding to crimes of violence and to enhance peace officer sensitivity in interacting with and assisting crime victims. In part, the course must include information about the needs of victims of these crimes and the most effective and sensitive way to meet those needs or arrange for them to be met.	<i>Minn. Stat. § 626.8451 subd. 1(a).</i>	
The Legislature should amend the victims' rights statute to allow a right of action or other appropriate remedy against those who violate their statutory rights.	While the legislature has not amended the victims' rights statute to allow a private cause of action, In 2003, as part of a statewide reorganization, Office of Crime Victims Ombudsman (OCVO) responsibilities were assumed by the Crime Victim Justice Unit (CVJU), a unit of the Office of Justice Programs in the Department of Public Safety. Minnesota remains one of a handful of states with a formalized victim rights compliance office. The CVJU derives its authority specifically from Minnesota Statutes sections 611A.72-74. This statute gives the CVJU, through the commissioner of Public Safety, broad powers to investigate "elements" of the criminal justice system, including law enforcement agencies, prosecutors, probation departments, court administration, and victim advocacy programs.	<i>Minn. Stat. § 611A.72-74. (2003)</i>	
State law should require the collection of data on the race of victims in police incident reports and on the Sentencing Guidelines' worksheets	Minnesota has administered seven statewide crime victimization surveys that measured respondents' experiences with crime, perceptions of neighborhood safety, and attitudes toward police among a sample of Minnesota adults.	THE 2016 MINNESOTA CRIME VICTIMIZATION SURVEY, Minnesota Department of Public Safety Office of Justice Programs (September 2017)	Need more information regarding the police data collection and probation data collection.

Recommendation	Action taken	Date of Action & Source	Comments
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### PLEA NEGOTIATIONS

Clear policies should be issued to lawyers on both sides that race should not be a factor in plea negotiations.			
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### JURIES

Statewide rules for public assistance should be amended to require all recipients to have either a Minnesota driver's license or a state identification card.	The Minnesota Jury Commissioners have not yet studied or taken any action on this recommendation, primarily because the rules for public assistance are under the auspice of the executive branch.	The Minnesota State Jury Source List: Creation, Questions, Standards, Aspirational Goals, Historical Background, The Minnesota Jury Rule 803 Committee (September 1997, Revised August 1998) (approved by Minnesota Jury Commissioners [ <i>Minnesota Jury Commissioners are Judicial District Administrators or their respective designees</i> ] Minn. Gen. R. Prac. 803 (1997) & The Minnesota Conference of Chief Judges.)	Public assistance criteria is not governed or administered by the Judicial Branch.
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### INTERPRETERS

In light of the findings and recommendations of this Task Force, the Chief Justice should recommend that all justice system agencies make public notice of the accessibility of their services to people in need of interpreters.			
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Recommendation	Action taken	Date of Action & Source	Comments
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**JUVENILE AND FAMILY LAW**

<p>The Supreme Court, the Legislature, and the Department of Human Services should seek further changes in federal law to provide additional monies for family based services.</p>			<p>Not a priority – not in purview. 4E Funding issues continue to be a judicial training need to ensure funding.</p>
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**MINNESOTA BAR EXAMINATION**

<p>The Minnesota Board of Law Examiners should collect racial data on all bar exam participants using the least intrusive method possible in order to track pass/fail and repeater rates for all examinees. Comparisons by racial group, Minnesota law school graduates and other factors could be separated for analysis.</p>	<p>In 2016, the Lawyers Registration Office began collecting race and ethnicity information during the lawyer registration process.</p>		
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## **APPENDIX B**

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## Probation Revocations

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Offenders Sentenced from 2001-2015 and  
Revoked to Prison through 2016

Published April 2018

**Minnesota Sentencing Guidelines Commission**

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*Reports are available in alternative formats upon request.*

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### *About This Report*

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

## Introduction

The 2016 Minnesota Sentencing Guidelines Commission Probation Revocation Report provides information about felony-level offenders sentenced from 2001 to 2015 who were revoked to prison due to probation violations through the end of 2016. A probation violation occurs when an offender's behavior or criminality violates conditions of probation, but does not result in a new felony criminal conviction for which the offender receives a prison sentence.<sup>1</sup> An offender's probation can be revoked if probation revocation proceedings are initiated and the court makes appropriate findings to support the revocation. The court, rather than the Minnesota Department of Corrections (DOC), makes the determination as to whether probation will be revoked.<sup>2</sup>

Offenders were tracked for revocations through December 31, 2016. Of all felony offenders in Minnesota initially sentenced to probationary sentences from 2001 to 2015, 16.5 percent had their stayed sentences revoked<sup>3</sup> due to probation violations, and were committed to State prison.

The probation revocations in this report were analyzed in two ways. First, the revocation data were analyzed by year. That is, as each year of revocation data became available, it was added to the prior years' data to generate a cumulative revocation rate for offenders sentenced each year from 2001 through 2015. Thus, the revocation rate for 2014 shows an increase in this report from the rate that was reported last year because additional probationers who had originally been sentenced in 2014 were revoked in 2016. Second, the data were combined to present total revocation rates for the entire period. Results were broken down by judicial district, race, ethnicity, gender, offense type, departure type, and county.

This report is not intended to be a recidivism study; rather, it describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. It is the Commission's intention to update this report annually, when new DOC and Minnesota Sentencing Guidelines Commission (MSGC) data become available for analysis. An explanation of how the Guidelines work, along with the Standard Grid and Sex Offender Grid, can be found in the Commission's report entitled *2016 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at [mn.gov/sentencing-guidelines/reports](http://mn.gov/sentencing-guidelines/reports).

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<sup>1</sup>The behavior resulting in a probation revocation may include a conviction for a gross misdemeanor or misdemeanor offense. These non-felony convictions would not, in and of themselves, result in the offender going to prison because they do not carry the potential for a DOC prison sentence. However, the non-felony criminal behavior may trigger a probation revocation proceeding on a felony-level case, which may then result in a probation revocation for violating the conditions of felony probation.

<sup>2</sup> The DOC has the authority to revoke an offender who was on parole or supervised release.

<sup>3</sup> See "Procedures for Calculating Revocations" on p. 14 for a more complete explanation of this terminology.

## Data Summary

Through the end of 2016, the total revocation rate in Minnesota was 16.5 percent (Table 1 and Table 2). The majority of revocations occurred within the first two years after being sentenced (Figure 2). Revocation rates tended to be higher for offenders for whom the Guidelines had originally recommended prison (Figure 8).

American Indian offenders had their probation revoked at a higher rate (26.4%) than any other racial group (Figure 3). This may be, in part, because American Indian offenders were placed on probation for person crimes at a higher rate than other offenders during the study period. Among offense types, offenders convicted of person offenses had the highest rate of revocation at 20.4 percent, while the “other”<sup>4</sup> category had the lowest at 11.7 percent (Figure 7). However, American Indian offenders had the highest revocation rates in each offense type (Figure 4).

Some differences were also observed when comparing revocation rates between Minnesota’s ten judicial districts and Minnesota’s 87 counties (Figure 9 and Table 2). The First Judicial District had the lowest rate of revocation (11.3%), while the Ninth District had the highest (24.2%). Rice County, which is located in the Third Judicial District, had the lowest revocation rate (7.1%), and Beltrami County, which is in the Ninth Judicial District, had the highest revocation rate (32.3%).

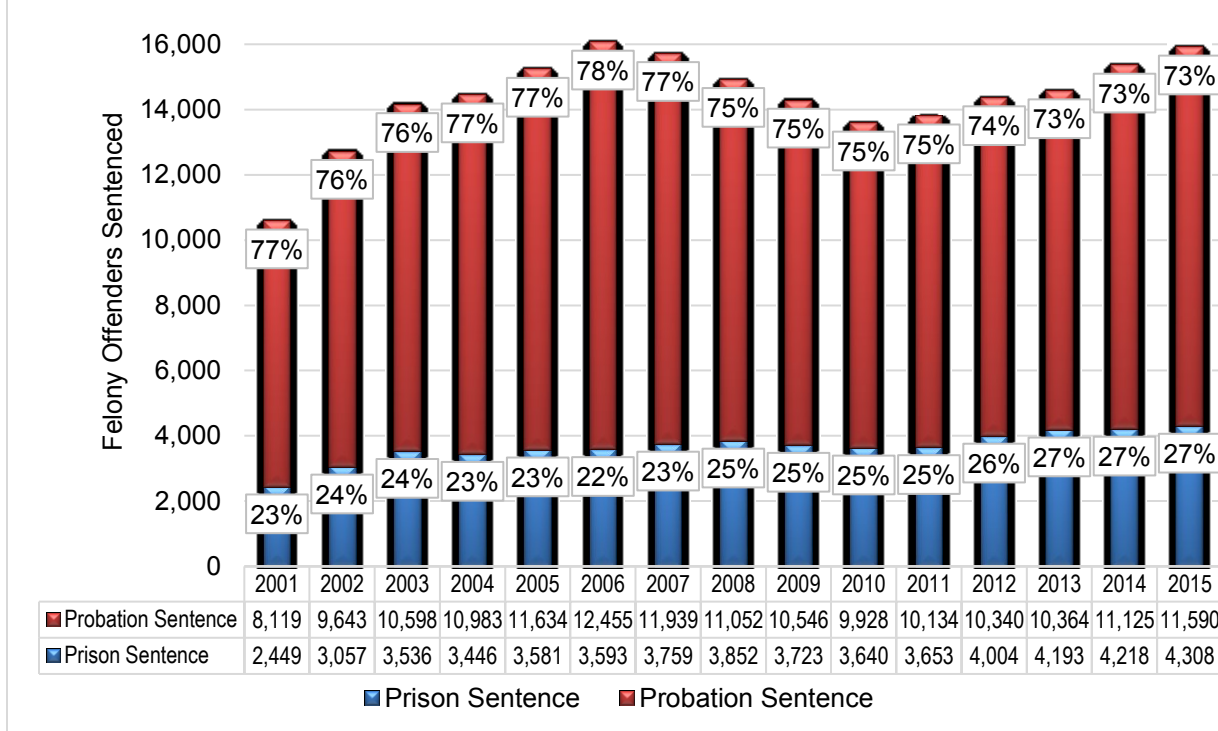
### Volume of Cases and Revocation Data by Year

Figure 1 illustrates the total number of offenders sentenced to prison or probation for felony convictions from 2001 to 2015. Offenders are displayed by the type of sentence received. Excluded from Figure 1 are offenders who received a misdemeanor or gross misdemeanor sentence, or fine-only sentence, for a felony offense. These offenders are not subject to imprisonment as a result of a probation violation. On average, for people who were sentenced to either prison or probation, 75 percent were placed on probation and 25 percent were committed to prison.

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<sup>4</sup> “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

**Figure 1. Number and Percentage of Felony Offenders Sentenced to Probation or Prison by Year Sentenced, 2001-2015**



### Revocation Data by Year Sentenced

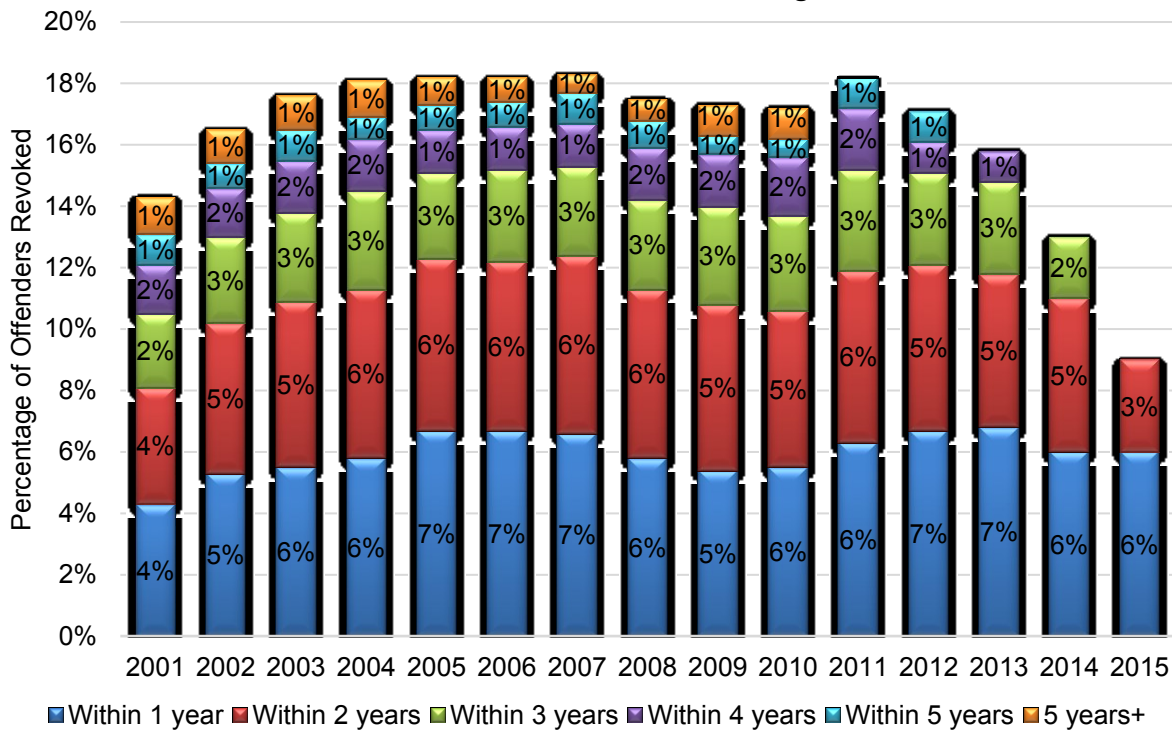
In Figure 2, the revocation data are presented by year sentenced. Revocation data reported for the most recent years are incomplete. Offenders sentenced more recently have had less time at risk for revocation than offenders sentenced in earlier years. It is expected that the numbers for the more recent years will increase as more time passes, and as more data are added to this report. This report will be updated annually as data become available.

The majority of revocations occurred within the first two years of receiving a felony probationary sentence (Figure 2). In 2015, six percent were revoked within the first year of being sentenced to probation. In 2014, six percent were revoked within the first year and another five percent were revoked within the second year. Of the offenders who were sentenced to probation in 2001, four percent were revoked to prison within one year of being sentenced. Another four percent were revoked within the second year, two percent within the third year, two percent within the fourth year, one percent within the fifth year, and another one percent after five years.<sup>5</sup>

<sup>5</sup> Because the data are not standardized to a particular timeframe for revocations e.g., tracking offenders revoked within a three-year standardized timeframe, MSGC has more data on those offenders who were sentenced in earlier years. For example, in looking at offenders originally sentenced in 2012, the data can only go back as far as “within 4 years.” As mentioned earlier, MSGC intends to continue updating this report as new DOC data become available.

<sup>6</sup> For each year presented, the last data bar is incomplete. For example, in 2013, the “within 4 years” bar is only a partial year of the data. An offender sentenced in January of 2013 would fall in the “within 4 years” category if he/she was revoked at any time between January of 2013 and December of 2016, but an offender sentenced in December of 2013

**Figure 2. Percentage of Offenders Revoked by Sentence Year Sentenced 2001-2015 <sup>6</sup>, Revoked through 2016**



## Combined Revocation Data: Sentenced 2001-2015

In the figures and tables below, the revocation data have been combined to provide information on total revocations for all cases sentenced between 2001 and 2015. Through December 31, 2016, the total combined revocation rate for cases sentenced during these years was 16.5 percent.

### Revocation Rates by Race and Ethnicity

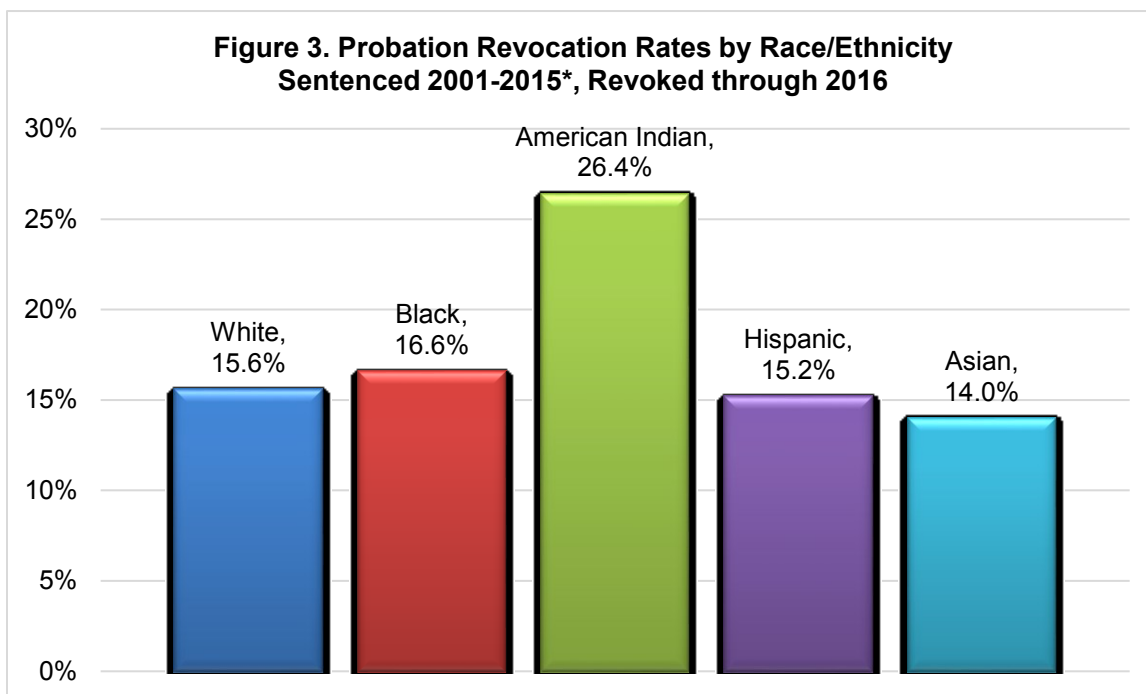
The racial and ethnic make-up of felony probationers remained fairly constant over this timeframe. From 2001 to 2015, 62.2 percent of felony probationers were white, 23.7 percent black, 6.5 percent American Indian, 5.2 percent Hispanic, and 2.2 percent Asian.

Figure 3 shows probation revocations by race and ethnicity. American Indian offenders have had their probation revoked at a higher rate than any other racial group. Conversely, Asian offenders have the lowest rate of revocation. Between 2001 and 2015, the average revocation rate among Asian offenders was approximately 14 percent, while the average rate for American Indian

would fall in that same category between December of 2013 and November of 2017. Since 2017 revocation data are not available, we do not have complete data for the final bar.



offenders was 26 percent. The average revocation rates for the other groups were approximately 15 percent for both white and Hispanic offenders, and 17 percent for black offenders.

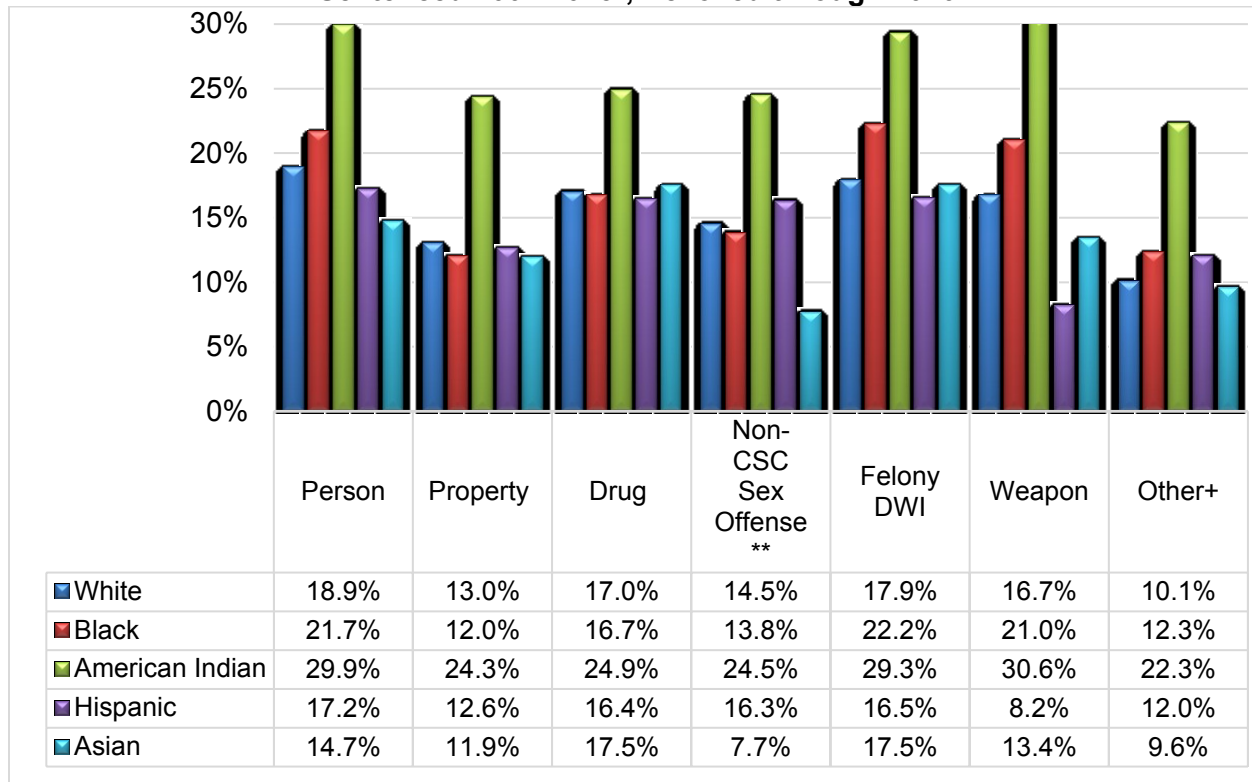


\* Nineteen revoked offenders for whom race is “other” or “unknown” were excluded.

Revocation rates may be higher for American Indian offenders, in part, because of the type of offenses for which they were placed on probation. Within the timeframe of this report, a higher percentage of American Indian offenders than offenders from most other racial groups were placed on probation for person offenses, which is consistently the offense type with the highest rate of revocation (30.8%). While approximately 25 percent of all offenders who received probation between 2001 and 2015 were convicted of person offenses, 31.3 percent of American Indian offenders were convicted of person offenses.

While offense type may play a role in the higher revocation rate for American Indian offenders, it does not account for the entire disparity. When revocation rates are examined by race/ethnicity and offense type (Figure 4), American Indian offenders have higher revocation rates than other races in all offense types. The revocation rates for property offenses are particularly notable because the rates for other races are almost identical (about 12%), but the rate for American Indians is double, at 24 percent.

**Figure 4. Probation Revocation Rates by Offense Type and Race/Ethnicity Sentenced 2001-2015\*, Revoked through 2016**



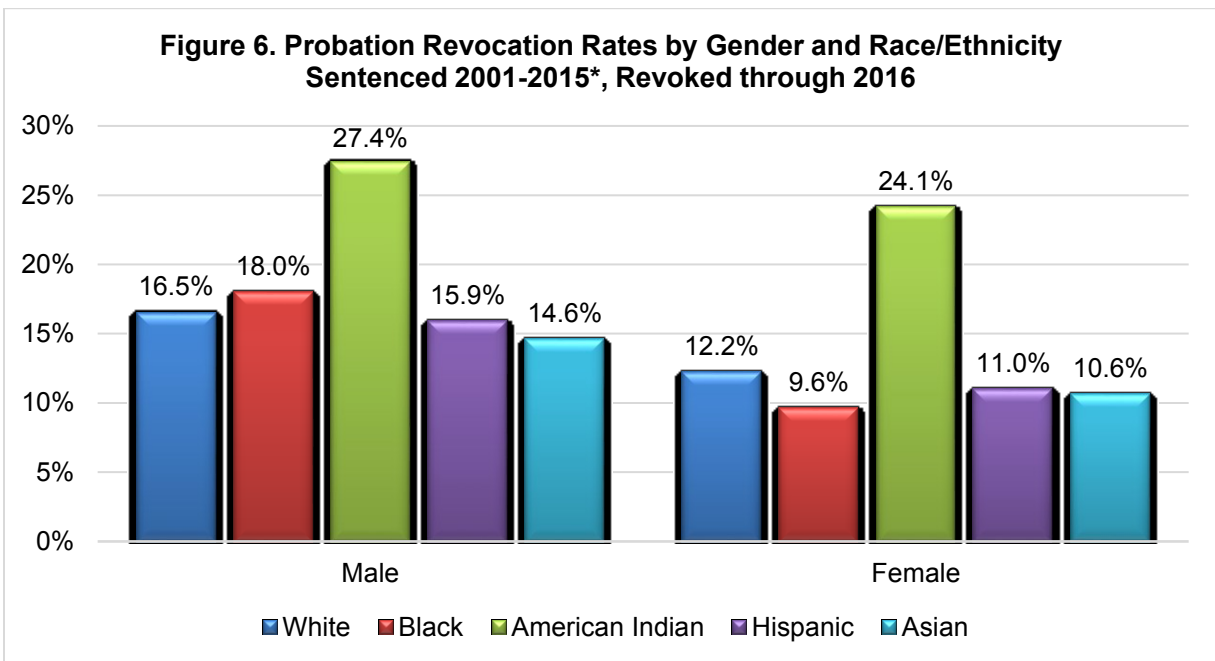
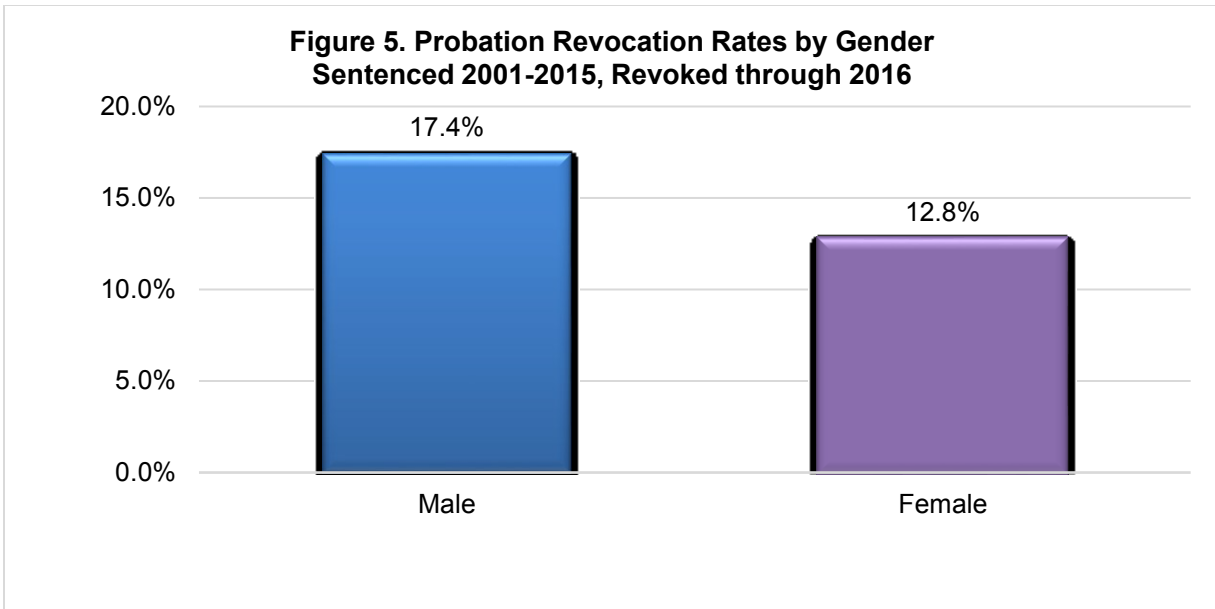
\* Nineteen revoked offenders for whom race is “other” or “unknown” were excluded.

\*\* Non-CSC sex offense is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

+ Other offenses include fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

### Revocation Rates by Gender

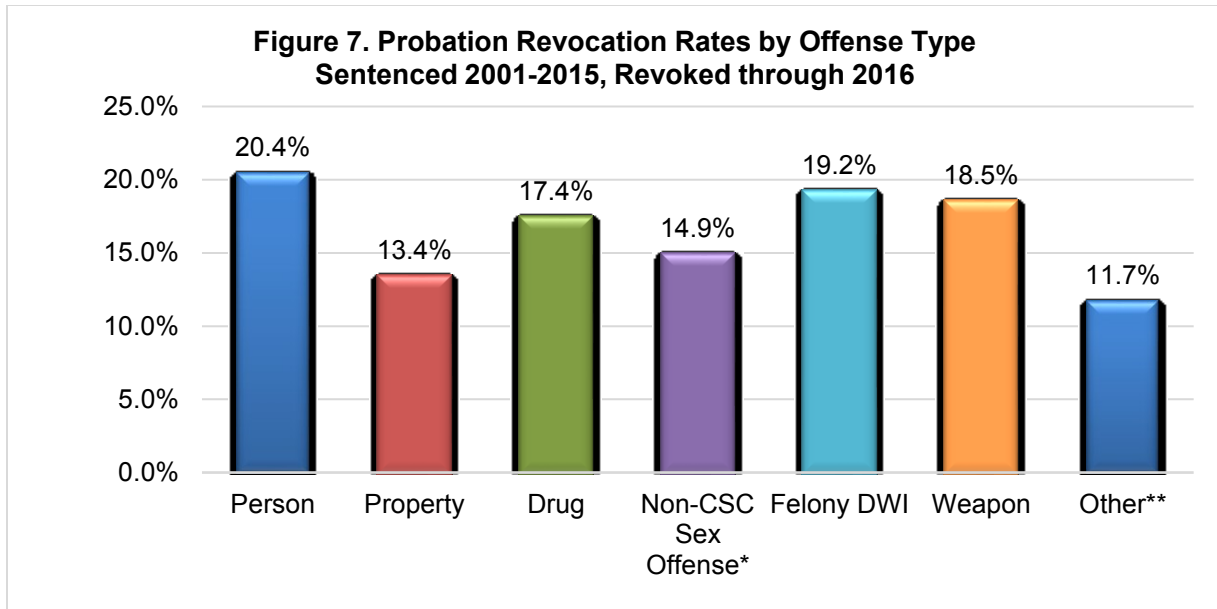
Approximately 80 percent of felony probationers are male and 20 percent are female. Figure 5 shows the percentage of offenders revoked by gender. Male offenders had a higher rate of probation revocation than female offenders (17.4% versus 12.8%). American Indian offenders had the highest revocation rates for both male and female offenders (Figure 6).



\* Nineteen offenders for whom race is "other" or "unknown" were excluded.

### Revocation Rates by Offense Type

Figure 7 shows the percentage of offenders revoked within each offense type. Offenders convicted of person offenses were revoked at a higher rate. Offenders in the property and "other" category were revoked at the lowest rates.



\* Non-CSC sex offense is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

\*\* "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Table 1 displays revocation rates for offenses organized into general offense groups. Rather than providing the revocation rates for every felony offense, offenses were grouped for easier comparison. It is important to note that there can be variation in revocation rates within these offense groups. In the assault group, revocation rates for domestic assault by strangulation and first- through fourth-degree assaults ranged from 17 percent to 22 percent, while the revocation rates for fifth-degree assault and domestic assault were higher: 29 percent and 24 percent, respectively.

As a group, offenders convicted of criminal sexual conduct (CSC) had the highest revocation rates. Among the CSC offenses, first and second-degree CSC had the lowest revocation rate at 24 percent, while third- through fourth-degree ranged from 26 percent to 31 percent.

Possession and dissemination of child pornography and failure to register as a predatory offender are on the Sex Offender Grid, and are included in the non-CSC sex offense group in Table 1. The revocation rates for these offenses were lower than those observed for CSC offenses: 15 percent for failure to register, and 14 percent for child pornography.

Among the controlled substance offenses, there was not much variation in revocation rates—ranging from 15 percent for first-degree to 20 percent for fourth-degree. The revocation rate for fifth-degree offenses, the largest drug offense category, was 17 percent.

Among the theft offenses, the revocation rate for motor vehicle theft was 23 percent, which is much higher than the rate for theft of movable property (10%). The total rate for the general theft offense group was 11.6 percent (Table 1).

**Table 1. Probation Revocation Rates by Offense Groups**

<b>Offense Type and Offense</b>	<b>Total Number of Probation Cases (2001-2015)</b>	<b>Total Number of Revocations (through 12/31/2016)</b>	<b>Percentage of Cases Revoked</b>
<b>Person</b>	39,908	8,134	20.4%
<i>Murder / Manslaughter</i>	323	51	15.8%
<i>Assault</i>	16,650	3,133	18.8%
<i>Criminal Sexual Conduct</i>	5,203	1,404	27.0%
<i>Robbery</i>	2,807	669	23.8%
<i>Threats of Violence / Stalking</i>	12,233	2,302	18.8%
<i>Other Person</i>	3,146	446	14.2%
<b>Property</b>	57,229	7,657	13.4%
<i>Theft</i>	22,128	2,567	11.6%
<i>Burglary</i>	12,324	2,430	19.7%
<i>Other Property</i>	23,323	2,789	12.0%
<b>Drug</b>	43,210	7,500	17.4%
<b>Felony DWI</b>	7,042	1,354	19.2%
<b>Non-CSC Sex Offense*</b>	2,989	444	14.9%
<b>Weapon</b>	2,246	415	18.5%
<b>Other**</b>	7,856	918	11.7%
<b>Total</b>	<b>160,480</b>	<b>26,422</b>	<b>16.5%</b>

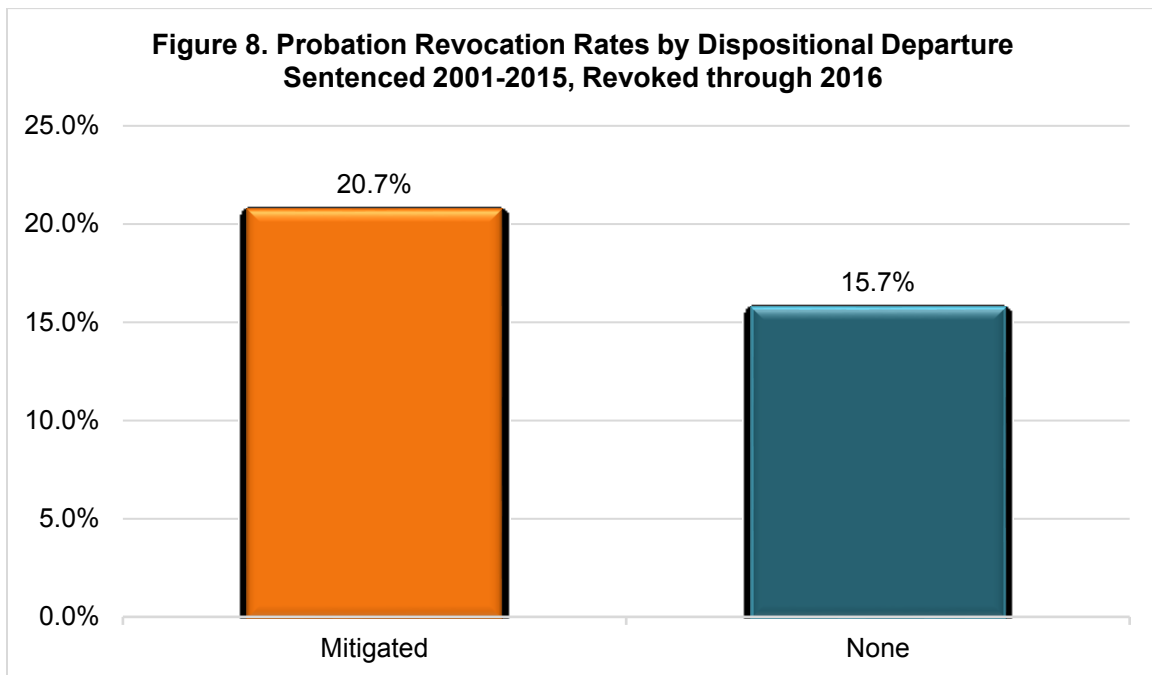
\* "Non-CSC sex offense" is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

\*\* "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

### Revocation Rates by Dispositional Departures

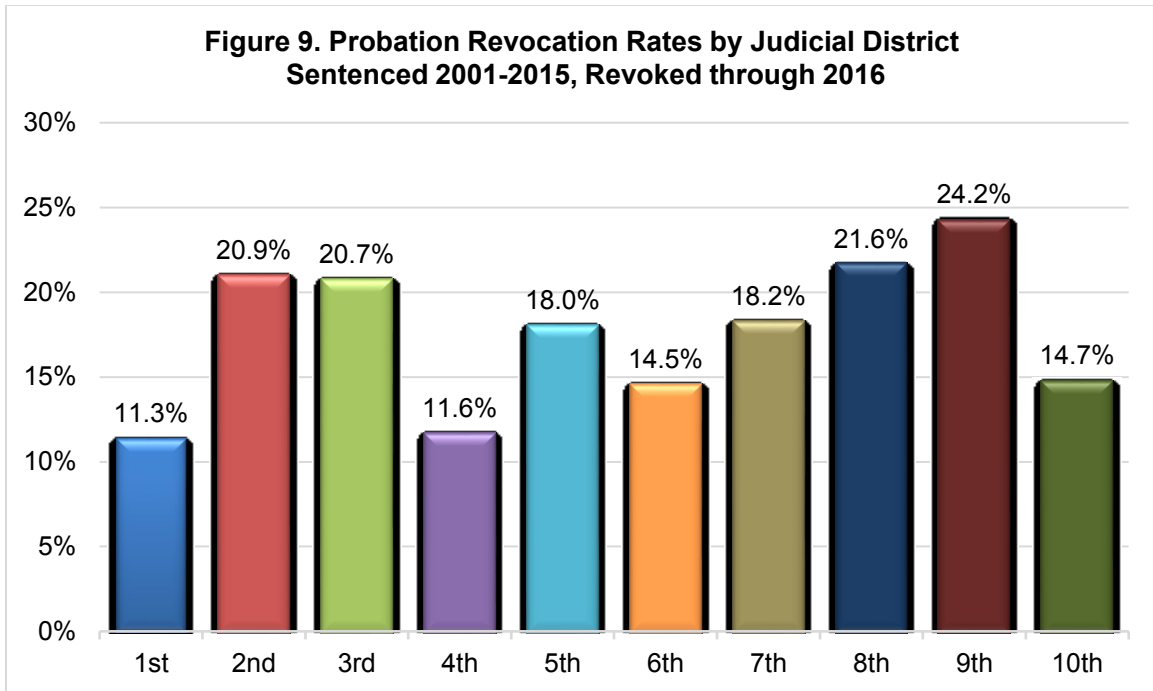
Revocation rates are higher for offenders who were originally given mitigated dispositional departures at sentencing. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence, but the court imposes a stayed probationary sentence instead. The Guidelines recommend prison for offenders who have either committed more serious offenses or who have accumulated multiple criminal history points. Figure 8 shows the revocation rate for offenders who had received mitigated dispositional departures (20.7%) compared with those who had received presumptive probation sentences (15.7%). A total 14.6 percent of the felony offenders on probation received mitigated dispositional departures. For more information

on total departure rates, see MSGC's report entitled *2016 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at [mn.gov/sentencing-guidelines/reports](http://mn.gov/sentencing-guidelines/reports).



### Revocation Rates by Judicial District

Figure 9 provides revocation rates by Judicial District. The Second, Third, Eighth, and Ninth Judicial Districts have the highest rates of revocation (over 20 percent), while the First and Fourth Judicial Districts have the lowest (under 12 percent). See page 15 for a map of Minnesota's ten judicial districts.



### Revocation Rates by County

Table 2 displays revocation rates by county. Through the end of 2016, the total revocation rate was 16.5 percent. Rice County (in the Third Judicial District) had the lowest revocation rate (7%), and Beltrami County (in the Ninth Judicial District) had the highest revocation rate (32%).

**Table 2. Revocation Data by County**

County	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Aitkin	593	124	20.9%
Anoka	9,221	1,377	14.9%
Becker	1,472	345	23.4%
Beltrami	1,999	646	32.3%
Benton	1,460	325	22.3%
Big Stone	96	23	24.0%
Blue Earth	1,735	303	17.5%
Brown	481	93	19.3%
Carlton	1,483	112	7.6%
Carver	1,427	109	7.6%
Cass	1,403	280	20.0%
Chippewa	306	74	24.2%
Chisago	1,426	220	15.4%

County	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Clay	2,222	535	24.1%
Clearwater	334	71	21.3%
Cook	135	20	14.8%
Cottonwood	407	57	14.0%
Crow Wing	2,019	511	25.3%
Dakota	11,201	1,183	10.6%
Dodge	435	113	26.0%
Douglas	993	143	14.4%
Faribault	446	76	17.0%
Fillmore	329	65	19.8%
Freeborn	1,072	301	28.1%
Goodhue	1,478	166	11.2%
Grant	112	21	18.8%
Hennepin	30,731	3,571	11.6%
Houston	521	92	17.7%
Hubbard	597	114	19.1%
Isanti	1,268	126	9.9%
Itasca	1,836	522	28.4%
Jackson	278	46	16.5%
Kanabec	777	173	22.3%
Kandiyohi	1,603	354	22.1%
Kittson	104	13	12.5%
Koochiching	338	78	23.1%
Lac qui Parle	95	14	14.7%
Lake	319	46	14.4%
Lake of the Woods	105	11	10.5%
Le Sueur	457	62	13.6%
Lincoln	105	16	15.2%
Lyon	918	164	17.9%
McLeod	1,310	167	12.7%
Mahnomen	640	106	16.6%
Marshall	229	30	13.1%
Martin	838	223	26.6%
Meeker	457	115	25.2%
Mille Lacs	1,328	293	22.1%
Morrison	1,085	232	21.4%
Mower	1,619	469	29.0%
Murray	186	23	12.4%
Nicollet	555	114	20.5%



County	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Nobles	794	83	10.5%
Norman	208	55	26.4%
Olmsted	4,414	1,070	24.2%
Otter Tail	1,573	189	12.0%
Pennington	655	83	12.7%
Pine	1,219	93	7.6%
Pipestone	255	41	16.1%
Polk	1,788	518	29.0%
Pope	207	49	23.7%
Ramsey	20,432	4,271	20.9%
Red Lake	119	17	14.3%
Redwood	759	165	21.7%
Renville	379	52	13.7%
Rice	1,569	111	7.1%
Rock	126	18	14.3%
Roseau	539	89	16.5%
St Louis	8,584	1,350	15.7%
Scott	2,998	420	14.0%
Sherburne	2,265	301	13.3%
Sibley	399	61	15.3%
Stearns	4,816	623	12.9%
Steele	1,118	192	17.2%
Stevens	138	32	23.2%
Swift	181	48	26.5%
Todd	563	114	20.2%
Traverse	74	15	20.3%
Wabasha	539	94	17.4%
Wadena	556	120	21.6%
Waseca	470	108	23.0%
Washington	5,029	936	18.6%
Watonwan	414	72	17.4%
Wilkin	153	27	17.6%
Winona	1,450	188	13.0%
Wright	2,860	299	10.5%
Yellow Medicine	253	51	20.2%
<b>Total (Statewide)</b>	<b>160,480</b>	<b>26,422</b>	<b>16.5%</b>

## Procedures for Calculating Revocations

This analysis includes felony offenders who initially received a stayed probationary sentence between 2001 and 2015. Offenders were tracked for revocations through December 31, 2016. Probation revocations are determined through a process of matching Department of Corrections (DOC) prison admission data with MSGC sentencing data.<sup>6</sup> The DOC data include admissions as a result of revocations. An offender who was revoked to prison following a conviction for a new felony crime are classified by DOC as a “new admissions” and are not included in this analysis.

MSGC would like to stress the following limitations in this report:

1. This is not intended to be a recidivism study. It describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. The analysis does not statistically control for a variety of factors that may influence an offender’s success.
2. The data were not standardized: All offenders sentenced between 2001 and 2015 were tracked through December 31, 2016. Therefore, an offender sentenced to probation on January 2, 2001 is tracked for a longer period of time (Fifteen years, 11 months, 30 days), while an offender sentenced to probation on January 2, 2015 is tracked for a shorter period of time (1 year, 11 months, 30 days). It is our intention to update this report annually when new prison admissions data are available from DOC.
3. This analysis captures only revocations due to probation violations. Any revocations due to new felony commitments are excluded. This analysis does include revocations due to new misdemeanor or gross misdemeanor convictions, as well as “technical” violations, as these are all considered violations of the terms of felony probation. Also, this analysis does not account for any previous attempts by the court to “restructure” an offender’s stayed sentence before revoking it.<sup>7</sup>
4. MSGC recognizes that offenders are not typically “at risk” for violating terms of probation while they are confined in a jail or workhouse. In the majority of cases, some conditional confinement time was pronounced as part of the initial stayed sentence. For the offenders placed on probation from 2001-2015, the total conditional confinement rate was 88 percent.
5. Although MSGC has data for offenders sentenced in 2016, these offenders have been excluded from this report because there had not been a full calendar year in which to track them while on probation.
6. This report excludes offenders who originally had a stay of adjudication and received a prison sentence upon revocation. A stay of adjudication does not meet the definition of an initial stayed sentence, as described above, because the offender was not convicted.<sup>8</sup> This report tracks revocations of probationary sentences imposed following conviction.

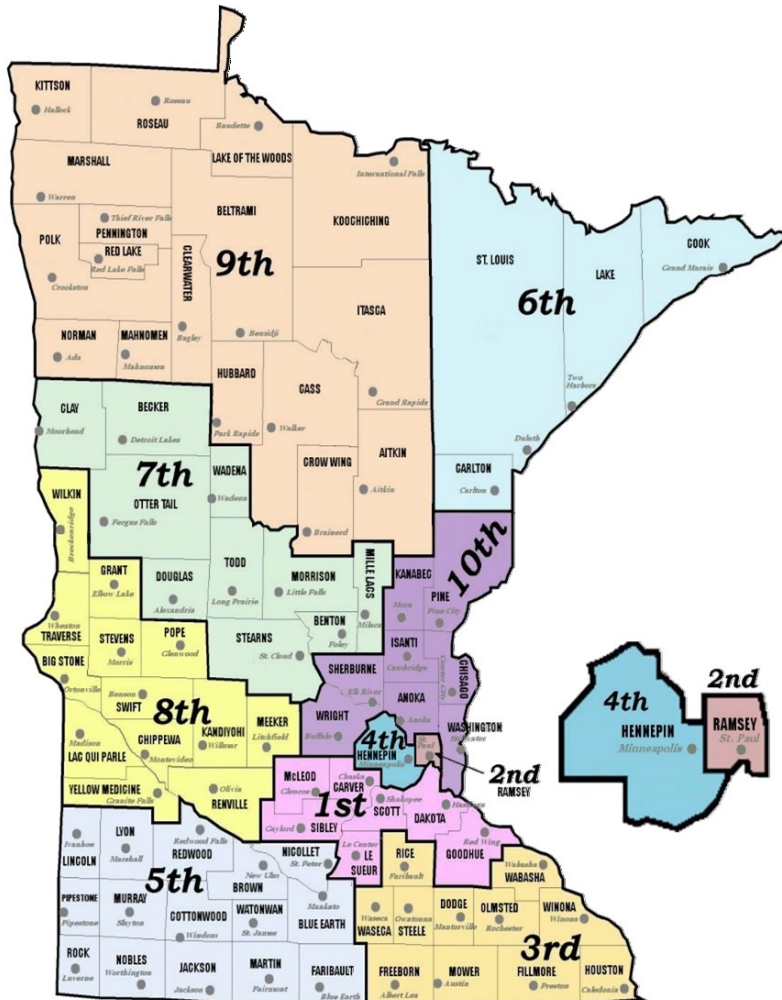
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<sup>6</sup> MSGC monitoring data are offender-based; cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

<sup>7</sup> See Minn. Stat. § 609.14. Even if considered to be a revocation (of, for example, a stay of imposition), a restructuring of sentence that does not result in commitment to the Commissioner of Corrections is outside the scope of this report.

<sup>8</sup> See Minn. Sentencing Guidelines § 2.D.1.e and 2.D.106.

# Minnesota Judicial District Map



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

Source: Minn. Judicial Branch.

## **APPENDIX C**

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# 2017 Probation Revocations

Offenders Sentenced from 2002–2016  
Revoked to Prison through 2017

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*Published January 31, 2019*



# MINNESOTA

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### ABOUT THIS REPORT

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

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# Introduction

The 2017 Minnesota Sentencing Guidelines Commission Probation Revocation Report provides information about felony-level offenders sentenced from 2002 to 2016 who were revoked to prison due to probation violations through year-end 2017.<sup>1</sup> Of all felony offenders in Minnesota initially sentenced to probationary sentences from 2002 to 2016, 16.5 percent had their stayed sentences revoked<sup>2</sup> due to probation violations, and were committed to state prison, by December 31, 2017.

A probation violation occurs when an offender's behavior or criminality violates conditions of probation, but does not result in a new felony conviction for which the offender receives a prison sentence.<sup>3</sup> An offender's probation can be revoked if probation revocation proceedings are initiated and the court makes appropriate findings to support the revocation. The court, rather than the Minnesota Department of Corrections (DOC), makes the determination as to whether probation will be revoked.<sup>4</sup> The majority of revocations occurred within the first two years of receiving a felony probationary sentence.

The probation revocations in this report were analyzed in two ways. First, the revocation data were analyzed by year. That is, as each year of revocation data became available, it was added to the prior years' data to generate a cumulative revocation rate for offenders sentenced each year from 2002 through 2016. Thus, the revocation rate for 2014 shows an increase in this report from the rate that was reported last year because additional probationers who had originally been sentenced in 2014 were revoked in 2017. Second, the data were combined to present total revocation rates for the entire period. Results were broken down by judicial district, race and ethnicity, gender, offense type, departure type, and county.

This report is not intended to be a recidivism study; rather, it describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. It is the Commission's intention to update this report annually, when new DOC and Minnesota Sentencing Guidelines Commission (MSGC) data become available for analysis. An explanation of how the Guidelines work, along with the Standard Grid, Sex Offender Grid, and Drug Offender Grid can be found in the Commission's report entitled *2017 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at [mn.gov/sentencing-guidelines/reports](http://mn.gov/sentencing-guidelines/reports).

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<sup>1</sup> Offenders were included in this report if revocation occurred on or before December 31, 2017.

<sup>2</sup> See Appendix 1 on p. 14 for a more complete explanation of this terminology.

<sup>3</sup> The behavior resulting in a probation revocation may include a conviction for a gross misdemeanor or misdemeanor offense. These non-felony convictions would not, in and of themselves, result in the offender going to prison because they do not carry the potential for a DOC prison sentence. However, the non-felony criminal behavior may trigger a probation revocation proceeding on a felony-level case, which may then result in a probation revocation for violating the conditions of felony probation.

<sup>4</sup> The DOC has the authority to revoke an offender who was on parole or supervised release.

## Data Summary

Through the end of 2017, the total revocation rate in Minnesota was 16.5 percent (Table 1, p. 6, and Table 2, p. 11). The majority of revocations occurred within the first two years after being sentenced (Figure 2, p. 4). Revocation rates tended to be higher for offenders for whom the Guidelines had originally recommended prison (Figure 7, p. 10).

Among offense types, offenders convicted of person offenses had the highest rate of revocation at 20.4 percent, while the “other”<sup>5</sup> category had the lowest at 11.8 percent (Figure 3, p. 5). American Indian offenders had their probation revoked at a higher rate (26.6%) than any other racial group (Figure 4, p. 7). This may be, in part, because American Indian offenders were placed on probation for person crimes at a higher rate than other offenders during the study period. However, American Indian offenders had the highest revocation rates in each offense type (Figure 6, p. 9).

Some differences were also observed when comparing revocation rates between Minnesota’s ten judicial districts and Minnesota’s 87 counties (Figure 8, p. 10 and Table 2, p. 11). The First Judicial District had the lowest rate of revocation (11.1%), while the Ninth District had the highest (24.9%). Rice County, which is located in the Third Judicial District, had the lowest revocation rate (7.3%), and Beltrami County, which is in the Ninth Judicial District, had the highest revocation rate (33.2%).

## Volume of Cases and Revocation Data by Year

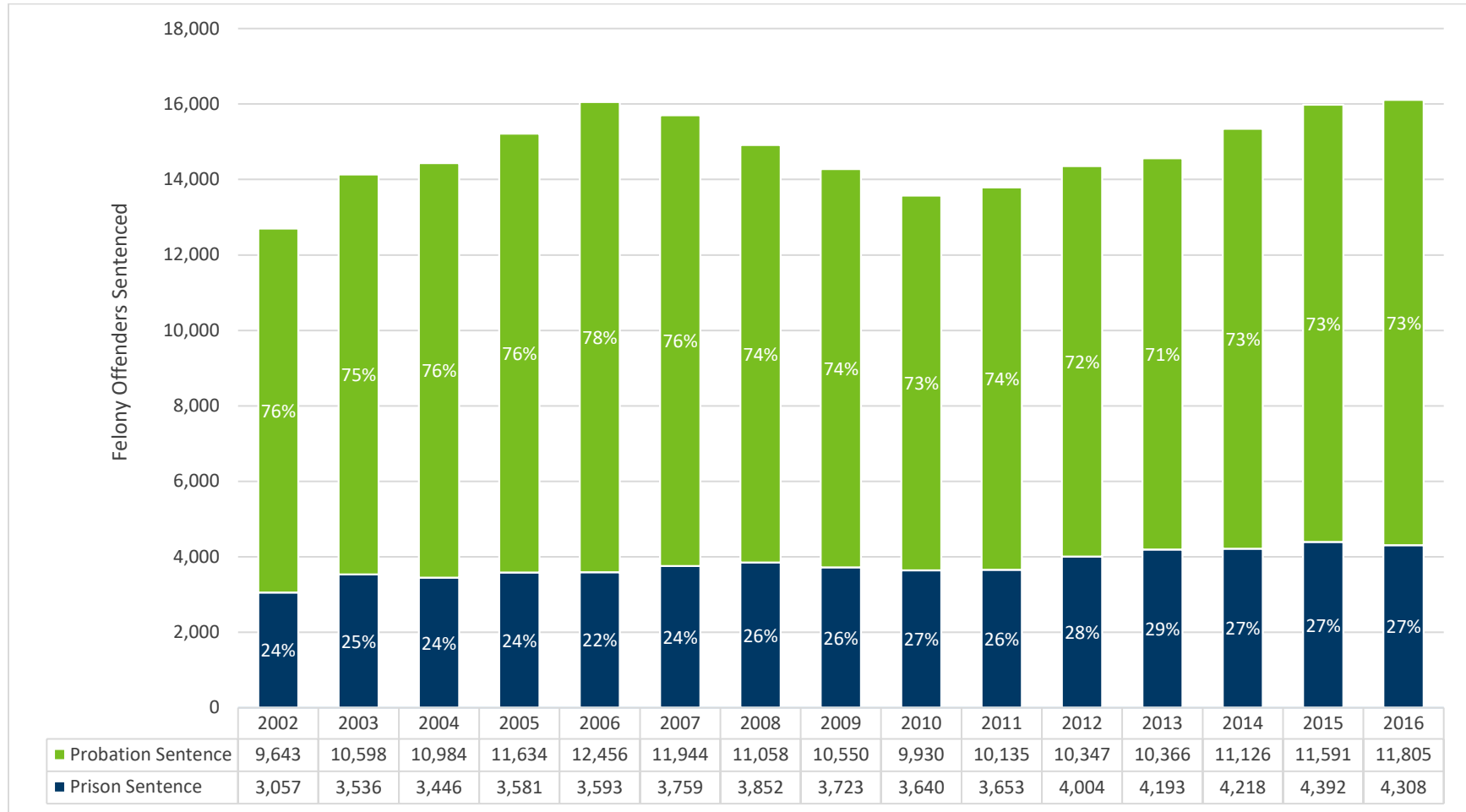
Figure 1 (p. 3) illustrates the total number of offenders sentenced to prison or probation for felony convictions from 2002 to 2016. Offenders are displayed by the type of sentence received. Excluded from Figure 1 are offenders who received a misdemeanor or gross misdemeanor sentence, or fine-only sentence, for a felony offense. These offenders are not subject to imprisonment as a result of a probation violation. On average, for people who were sentenced to either prison or probation, 75 percent were placed on probation and 25 percent were committed to prison.

Among those placed on probation, the length of probation varies by offense type and judicial district. More information on pronounced probation durations may be found in Appendix 2 on page 15.

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<sup>5</sup> “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Figure 1. Number of Offenders Sentenced to Probation or Prison by Year Sentenced, 2002–2016



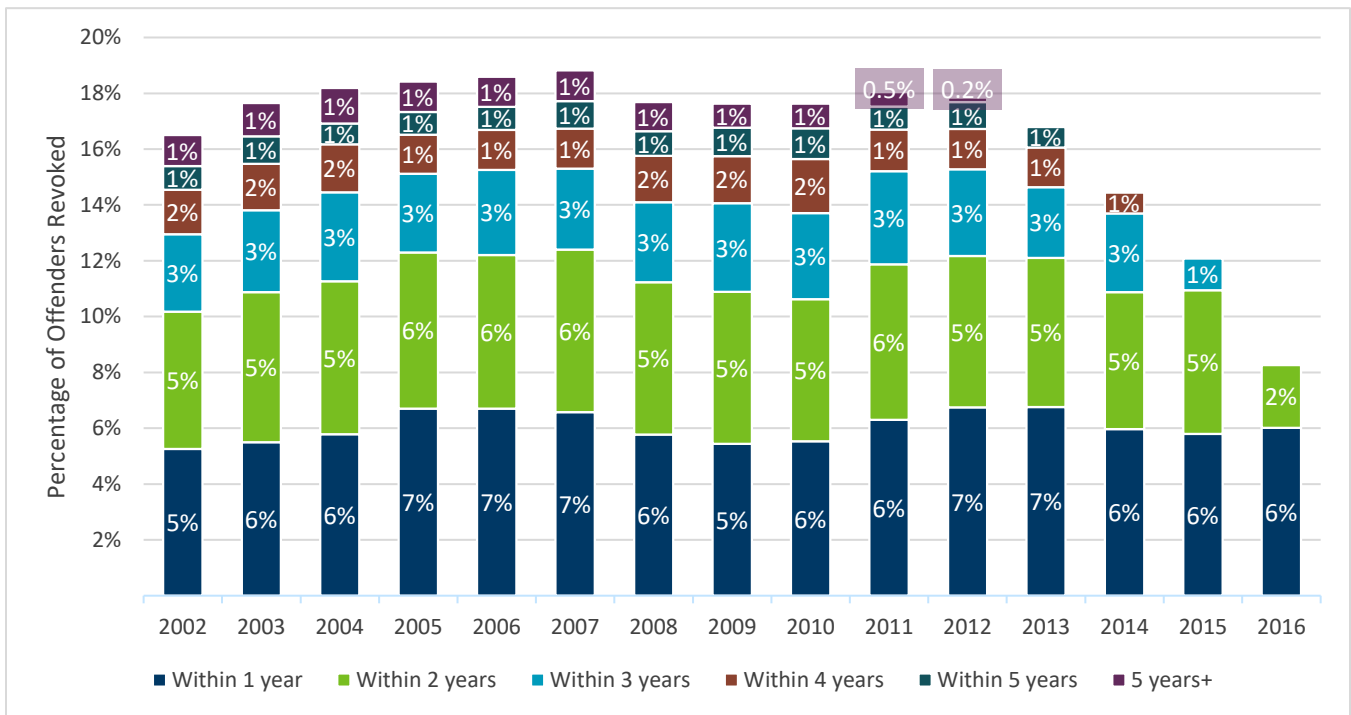
## Revocation Data by Year Sentenced

While the total revocation rate is 16.5 percent, for most years for which six or more years of revocation data are available (cases sentenced 2002–2011) the revocation rate is about 18 percent. In Figure 2, the revocation data are presented by year sentenced.<sup>6</sup> Revocation data reported for the most recent years are incomplete.

Offenders sentenced more recently have had less time at risk for revocation than offenders sentenced in earlier years. It is expected that the numbers for the more recent years will increase as more time passes, and as more data are added to this report.

The majority of revocations occurred within the first two years of receiving a felony probationary sentence (Figure 2). In 2016, six percent were revoked within the first year of being sentenced to probation. In 2015, six percent were revoked within the first year and another five percent were revoked within the second year. Of the offenders who were sentenced to probation in 2002, five percent were revoked to prison within one year of being sentenced. Another five percent were revoked within the second year, three percent within the third year, two percent within the fourth year, one percent within the fifth year, and another one percent after five years.

Figure 2. Percent of Offenders Revoked by Year Sentenced, 2002–2016, Revoked through 2017



<sup>6</sup> The data are cumulative, not standardized to a particular timeframe for revocation (e.g., tracking only offenders revoked within a three-year standardized timeframe). MSGC includes all revocations going back to 2002. For each year presented, the last data bar is incomplete. For example, in 2014, the “within 4 years” bar is only a partial year of the data. An offender sentenced in Jan. 2014 would fall in the “within 4 years” category if he/she was revoked at any time between Jan. 2014 and Dec. 2017, but an offender sentenced in Dec. 2014 would fall in that same category between Dec. 2014 and Nov. 2018. Since 2018 revocation data are not available, data are incomplete for the final bar.

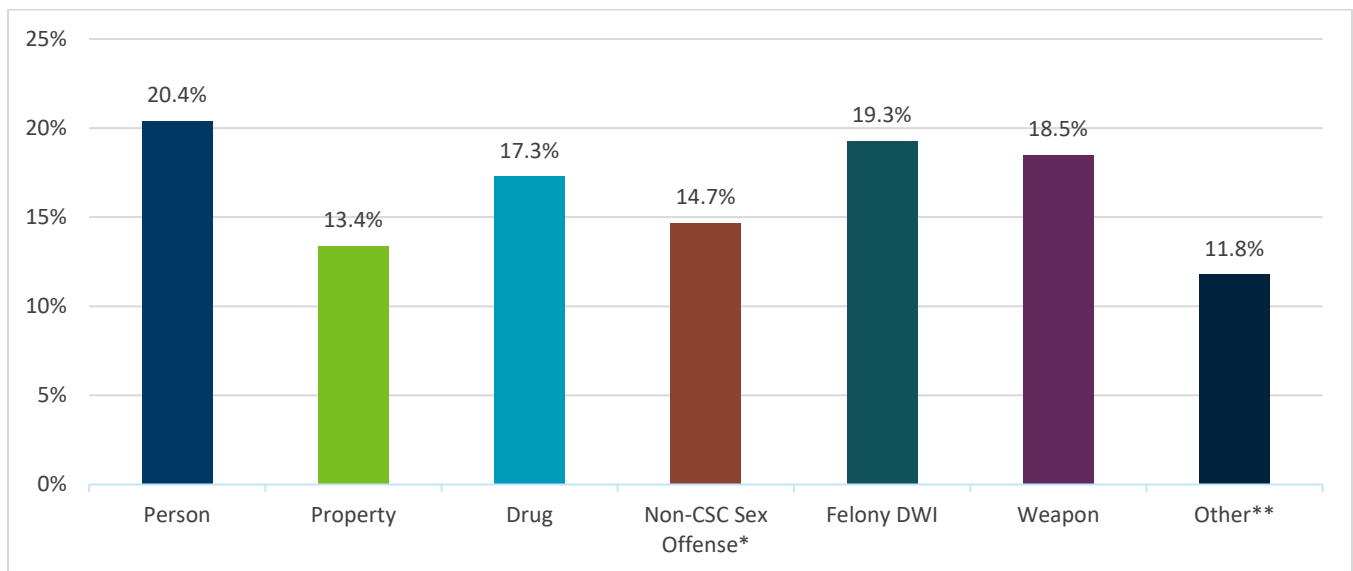
## Combined Revocation Data, 2002–2016

In the figures and tables below, the revocation data were combined to provide information on total revocations for all cases sentenced between 2002 and 2016. Through December 31, 2017, the total combined revocation rate for cases sentenced during these years was 16.5 percent.

### Revocation Rates by Offense Type

Figure 3 shows the percentage of offenders revoked within each offense type. Offenders convicted of person offenses were revoked at a higher rate. Offenders in the property and “other” category were revoked at the lowest rates.

Figure 3. Probation Revocation Rates by Offense Type, Sentenced 2002–2016, Revoked through 2017



\* Non-CSC sex offense is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

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

Table 1 (p. 6) displays revocation rates for offenses organized into general offense groups.<sup>7</sup> As a group, offenders convicted of criminal sexual conduct (CSC) had the highest revocation rates (about 28%). Among the CSC offenses, second-degree CSC had the lowest revocation rate at 25 percent, while third degree had the highest revocation rate at 32 percent.

<sup>7</sup> Offenses were grouped for easier comparison. It is important to note that there can be variation in revocation rates within these offense groups.

In the assault group, revocation rates for domestic assault by strangulation and first- through fourth-degree assaults ranged from 17 percent to 22 percent, while the revocation rates for fifth-degree assault and domestic assault were higher: 30 percent and 24 percent, respectively.

The revocation rates for possession or dissemination of child pornography (14%) and failure to register as a predatory offender (15%) were lower than those observed for CSC offenses. These offenses are on the Sex Offender Grid, and are included in the non-CSC sex offense group in Table 1.

Among the controlled substance offenses (“Drug,” Table 1), the revocation rate ranged from 15 percent for first-degree to 18 percent for third-degree. The revocation rate was slightly higher for fourth-degree offenses at 21 percent. The revocation rate for fifth-degree offenses, the largest drug offense category, was 17 percent.

Among the theft offenses, the revocation rate for motor vehicle theft (22%) was much higher than the rate for theft of movable property (10%). The total rate for the general theft offense group was 11.5 percent (Table 1).

*Table 1. Probation Revocation Rates by Offense Groups*

<b>Offense Type and Offense</b>	<b>Total Number of Probation Cases 2002–2016</b>	<b>Total Number of Revocations through 12/31/2017</b>	<b>Percentage of Cases Revoked</b>
<b>Person</b>	41,199	8,414	20.4
Murder/Manslaughter	329	54	16.4
Assault	16,181	3,246	20.1
Criminal Sexual Conduct	5,149	1,414	27.5
Robbery	2,927	686	23.4
Threats of Violence/Stalking	12,915	2,434	18.8
Other Person	3,141	452	14.4
<b>Property</b>	56,840	7,609	13.4
Theft	21,862	2,525	11.5
Burglary	12,397	2,448	19.7
Other Property	23,138	2,764	11.9
<b>Drug</b>	45,416	7,858	17.3
<b>Felony DWI</b>	7,377	1,426	19.3
<b>Non-CSC Sex Offense*</b>	3,164	466	14.7
<b>Weapon</b>	2,330	430	18.5
<b>Other**</b>	7,841	928	11.8
<b>Total</b>	<b>164,167</b>	<b>27,131</b>	<b>16.5</b>

\* “Non-CSC sex offense” is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

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

## Revocation Rates by Gender

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Approximately 80 percent of felony probationers are male and 20 percent are female. Figure 5 (“Total”) shows the percentage of offenders revoked by gender. Male offenders had a higher rate of probation revocation than female offenders (17.4% versus 13%).

## Revocation Rates by Race and Ethnicity

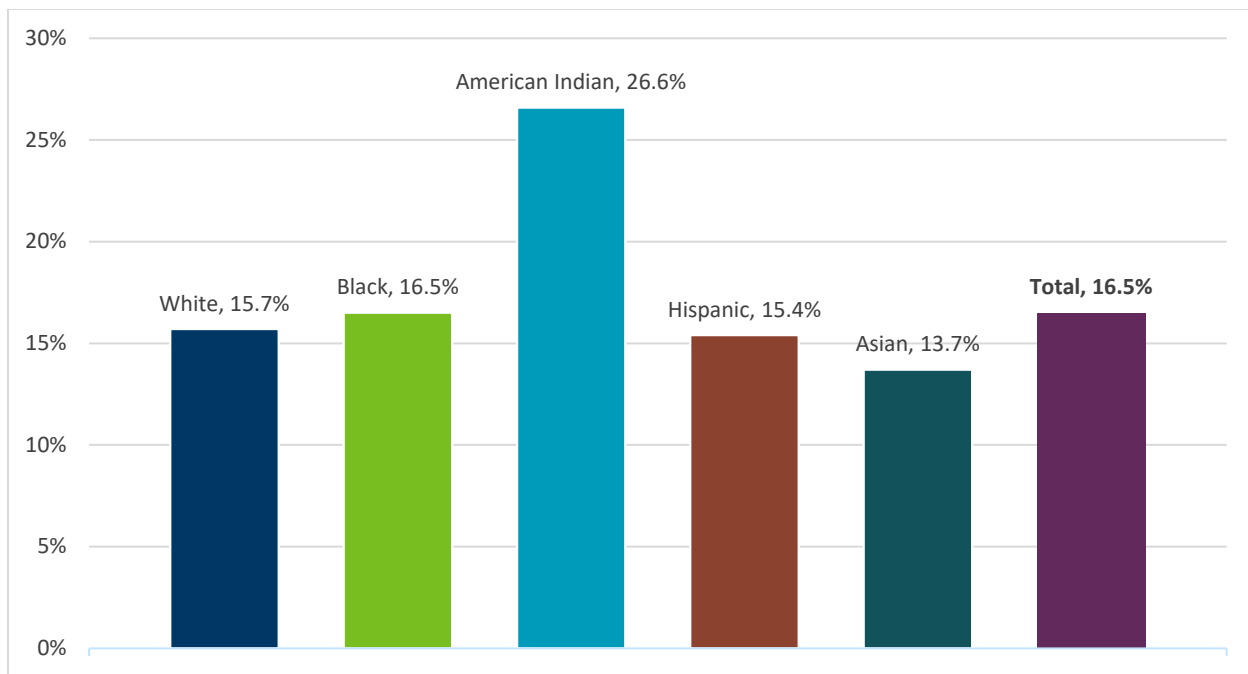
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The racial and ethnic make-up of felony probationers remained fairly constant over this timeframe. From 2002 to 2016, 62.1 percent of felony probationers were white, 23.6 percent black, 6.7 percent American Indian, 5.2 percent Hispanic, and 2.3 percent Asian.

Figure 7 (p. 7) shows probation revocations by race and ethnicity. American Indian offenders have had their probation revoked at a higher rate than any other racial group. Asian offenders have the lowest rate of revocation. Between 2002 and 2016, the average revocation rate among Asian offenders was approximately 14 percent, while the average rate for American Indian offenders was approximately 27 percent. The average revocation rates for the other groups were approximately 15 to 17 percent.

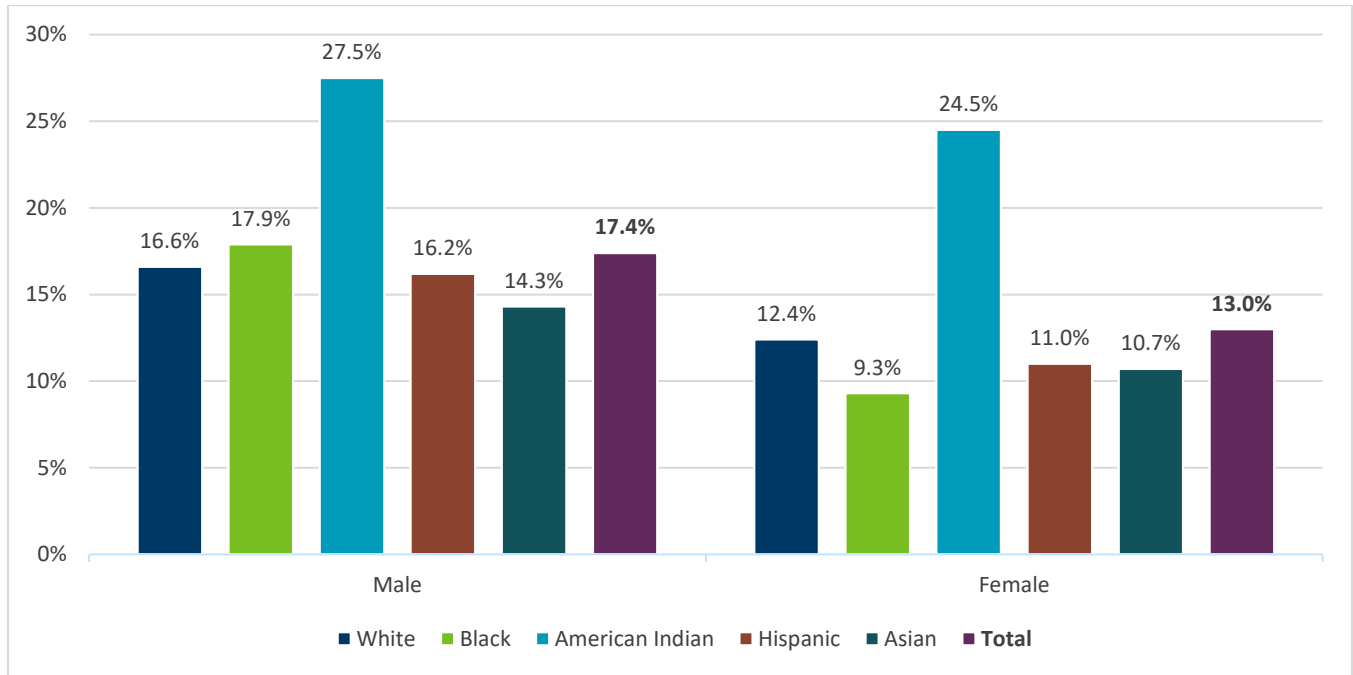
American Indian offenders had the highest revocation rates for both male and female offenders (Figure 5, p. 8).

*Figure 4. Probation Revocation Rates by Race/Ethnicity, Sentenced 2002–2016, Revoked through 2017*



*Note: Seventeen revoked offenders for whom race is “other” or “unknown” were excluded.*

Figure 5. Probation Revocation Rates by Gender and Race/Ethnicity, Sentenced 2002–2016, Revoked through 2017



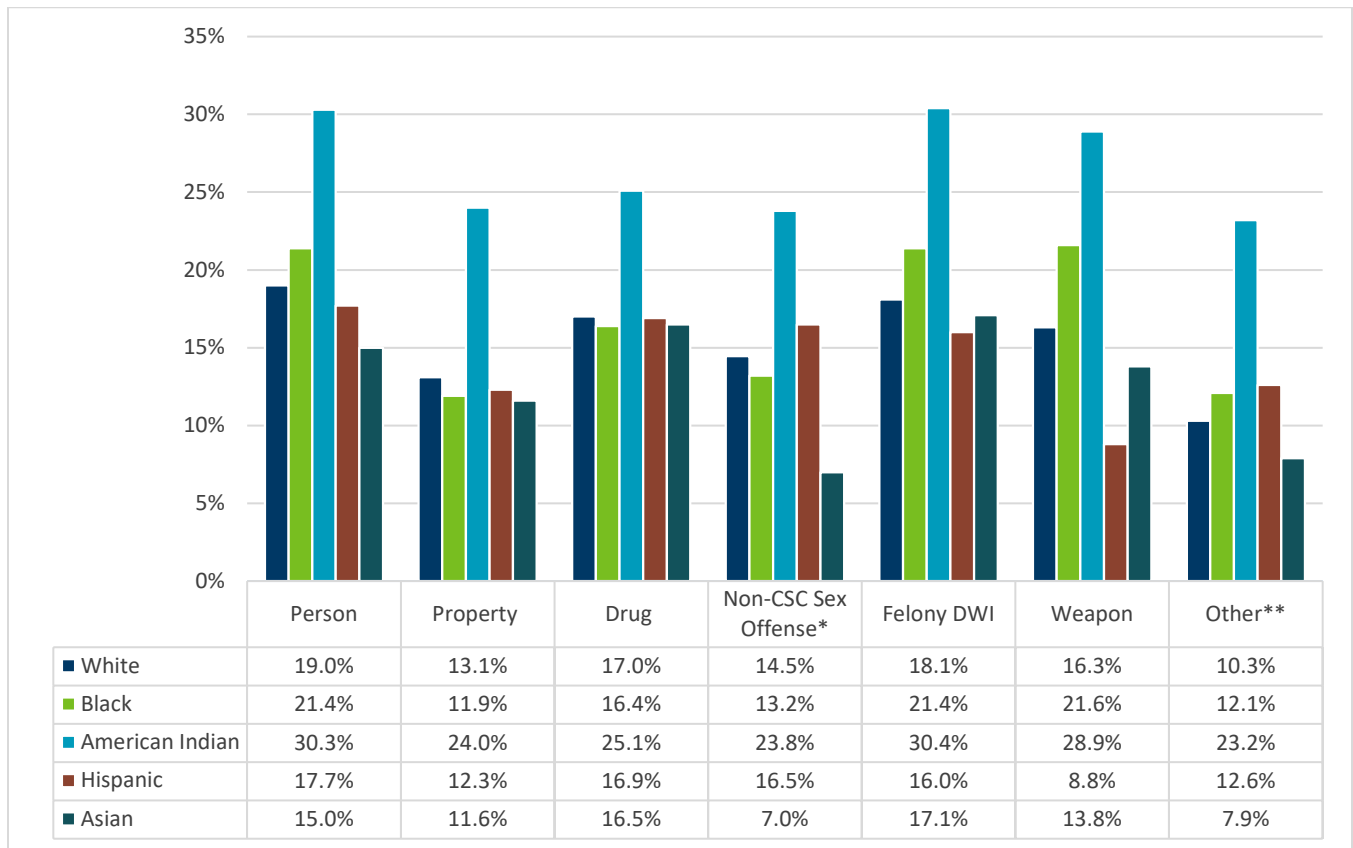
Note: Seventeen offenders for whom race is “other” or “unknown” were excluded.

Revocation rates may be higher for American Indian offenders, in part, because of the type of offenses for which they were placed on probation. Within the timeframe of this report, a higher percentage of American Indian offenders than white or Asian offenders were placed on probation for person offenses, which, as was discussed on page 5, was consistently the offense type with the highest rate of revocation (20.4%). While approximately 25 percent of all offenders who received probation between 2002 and 2016 were convicted of person offenses, 30.6 percent of American Indian offenders were convicted of person offenses compared to 21.5 percent of white offenders.

While offense type may play a role in the higher revocation rate for American Indian offenders, it does not account for the entire disparity. When revocation rates are examined by race/ethnicity and offense type (Figure 6), American Indian offenders have higher revocation rates than other races in all offense types. The revocation rates for property offenses are particularly notable because the rates for people of other racial and ethnic groups are, on average, 12 percent, while the rate for American Indians is double, at 24 percent.



Figure 6. Probation Revocation Rates by Offense Type and Race/Ethnicity, Sentenced 2002–2016, Revoked through 2017



Note: Seventeen revoked offenders for whom race is “other” or “unknown” were excluded.

\* “Non-CSC sex offense” is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

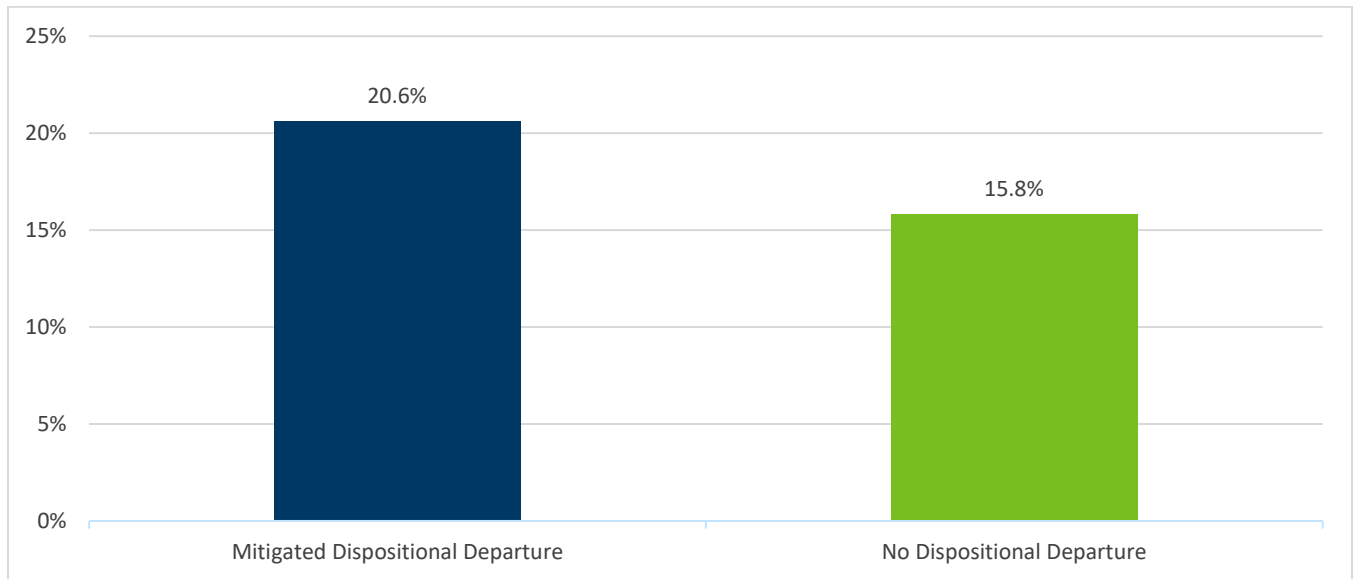
\*\* “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

## Revocation Rates by Dispositional Departures

Revocation rates were higher for offenders who were originally given mitigated dispositional departures at sentencing. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence, but the court imposes a stayed probationary sentence instead. The Guidelines recommend prison for offenders who either have committed more serious offenses or who have accumulated multiple criminal history points.

Figure 7 shows the revocation rate for offenders who had received mitigated dispositional departures (20.6%) compared with those who had received presumptive probation sentences (15.8%). A total 14.8 percent of the felony offenders on probation received mitigated dispositional departures. For more information on total departure rates, see MSGC’s report entitled *2017 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at [mn.gov/sentencing-guidelines/reports](http://mn.gov/sentencing-guidelines/reports).

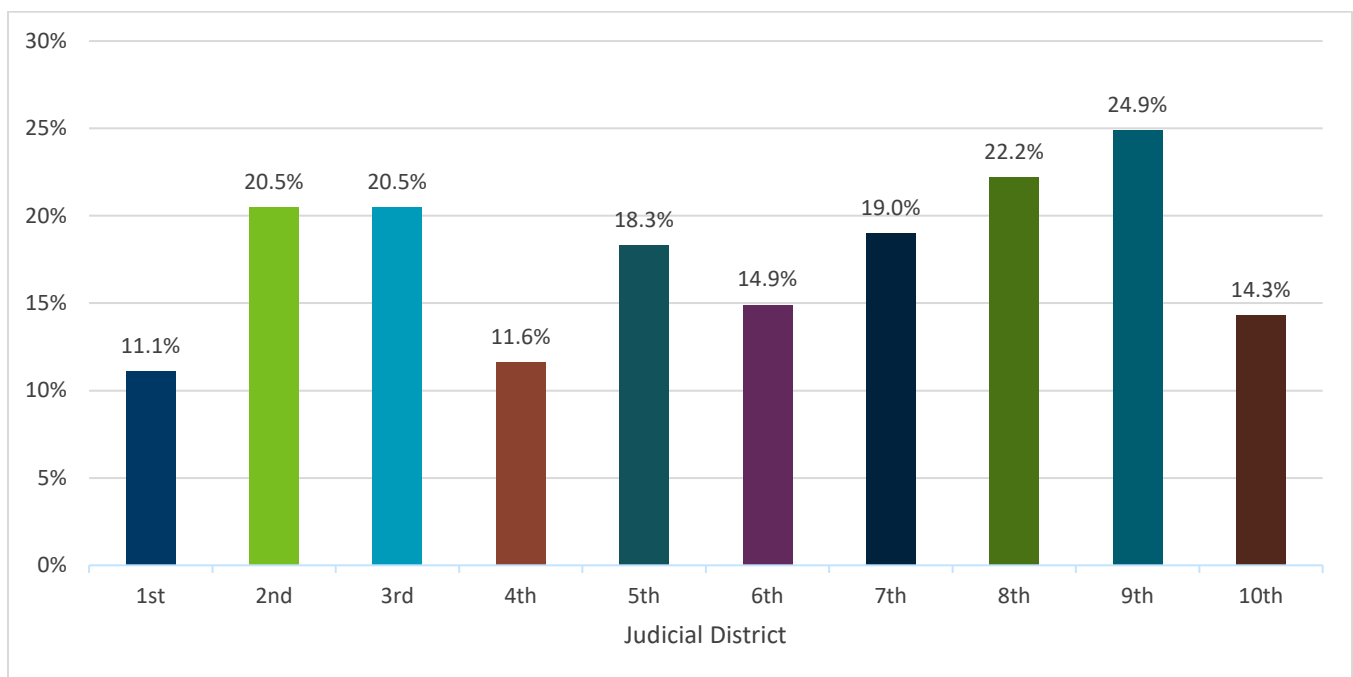
Figure 7. Probation Revocation Rates by Dispositional Departure, Sentenced 2002–2016, Revoked through 2017



## Revocation Rates by Judicial District

Figure 8 (p. 10) provides revocation rates by Judicial District. The Second, Third, Eighth, and Ninth Judicial Districts have the highest rates of revocation (over 20%), while the First and Fourth Judicial Districts have the lowest (under 12%). See Appendix 4 (p. 14) for a map of Minnesota’s ten judicial districts.

Figure 8. Probation Revocation Rates by Judicial District, Sentenced 2002–2016, Sentenced through 2017



## Revocation Rates by County

Table 2. Revocation Data by County, Sentenced 2002-2016, Sentenced through 2017

County	Total Number of Probation Cases 2002–2016	Total Number of Revocations through 12/31/2017	Percentage of Cases Revoked
Aitkin	627	143	22.8
Anoka	9,387	1,316	14.0
Becker	1,513	356	23.5
Beltrami	2,097	696	33.2
Benton	1,512	338	22.4
Big Stone	97	24	24.7
Blue Earth	1,985	339	17.1
Brown	510	103	20.2
Carlton	1,513	115	7.6
Carver	1,500	117	7.8
Cass	1,461	294	20.1
Chippewa	330	84	25.5
Chisago	1,507	225	14.9
Clay	2,222	574	25.8
Clearwater	338	69	20.4
Cook	132	20	15.2
Cottonwood	431	61	14.2
Crow Wing	2,089	538	25.8
Dakota	11,386	1,165	10.2
Dodge	455	119	26.2
Douglas	1,017	160	15.7
Faribault	482	78	16.2
Fillmore	334	63	18.9
Freeborn	1,111	318	28.6
Goodhue	1,549	170	11.0
Grant	110	21	19.1
Hennepin	31,044	3,602	11.6
Houston	529	94	17.8
Hubbard	658	118	17.9
Isanti	1,307	132	10.1
Itasca	1,923	555	28.9
Jackson	280	47	16.8
Kanabec	784	171	21.8
Kandiyohi	1,635	372	22.8
Kittson	99	14	14.1

<b>County</b>	<b>Total Number of Probation Cases 2002–2016</b>	<b>Total Number of Revocations through 12/31/2017</b>	<b>Percentage of Cases Revoked</b>
Koochiching	381	93	24.4
Lac qui Parle	99	14	14.1
Lake	318	49	15.4
Lake of the Woods	116	17	14.7
Le Sueur	488	62	12.7
Lincoln	97	19	19.6
Lyon	905	180	19.9
McLeod	1,296	181	14.0
Mahnomen	717	122	17.0
Marshall	220	35	15.9
Martin	880	230	26.1
Meeker	469	118	25.2
Mille Lacs	1,372	312	22.7
Morrison	1,108	256	23.1
Mower	1,678	492	29.3
Murray	201	24	11.9
Nicollet	574	115	20.0
Nobles	818	88	10.8
Norman	211	57	27.0
Olmsted	4,509	1,055	23.4
Otter Tail	1,616	209	12.9
Pennington	665	90	13.5
Pine	1,298	110	8.5
Pipestone	259	44	17.0
Polk	1,797	544	30.3
Pope	203	52	25.6
Ramsey	20,400	4,174	20.5
Red Lake	120	17	14.2
Redwood	802	178	22.2
Renville	407	64	15.7
Rice	1,586	115	7.3
Rock	124	18	14.5
Roseau	565	99	17.5
St Louis	8,659	1,404	16.2
Scott	3,212	446	13.9
Sherburne	2,350	317	13.5
Sibley	425	64	15.1
Stearns	4,937	655	13.3
Steele	1,186	193	16.3
Stevens	139	31	22.3

<b>County</b>	<b>Total Number of Probation Cases 2002–2016</b>	<b>Total Number of Revocations through 12/31/2017</b>	<b>Percentage of Cases Revoked</b>
Swift	191	52	27.2
Todd	586	127	21.7
Traverse	79	15	19.0
Wabasha	571	98	17.2
Wadena	568	139	24.5
Waseca	483	111	23.0
Washington	5,230	951	18.2
Watonwan	437	83	19.0
Wilkin	146	27	18.5
Winona	1,506	202	13.4
Wright	2,939	317	10.8
Yellow Medicine	270	55	20.4
<b>Total (Statewide)</b>	<b>164,167</b>	<b>27,131</b>	<b>16.5</b>

# Appendices

## Appendix 1. Procedures for Calculating Revocations

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This analysis includes felony offenders who initially received a stayed probationary sentence between 2002 and 2016. Offenders were tracked for revocations through December 31, 2017. Probation revocations are determined through a process of matching Department of Corrections (DOC) prison admission data with MSGC sentencing data.<sup>8</sup> The DOC data include admissions as a result of revocations. An offender who was revoked to prison following a conviction for a new felony crime are classified by DOC as a “new admissions” and are not included in this analysis. MSGC would like to stress the following limitations in this report:

1. This is not intended to be a recidivism study. It describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. The analysis does not statistically control for a variety of factors that may influence an offender’s success.
2. The data were not standardized: All offenders sentenced between 2002 and 2016 were tracked through December 31, 2017. Therefore, an offender sentenced to probation on January 2, 2002 is tracked for a longer period of time (fifteen years, 11 months, 30 days), while an offender sentenced to probation on January 2, 2016 is tracked for a shorter period of time (1 year, 11 months, 30 days). It is our intention to update this report annually when new prison admissions data are available from DOC.
3. This analysis captures only revocations due to probation violations. Any revocations due to new felony commitments are excluded. This analysis does include revocations due to new misdemeanor or gross misdemeanor convictions, as well as “technical” violations, as these are all considered violations of the terms of felony probation. Also, this analysis does not account for any previous attempts by the court to “restructure” an offender’s stayed sentence before revoking it.<sup>9</sup>
4. MSGC recognizes that offenders are not typically “at risk” for violating terms of probation while they are confined in a jail or workhouse. In the majority of cases, some conditional confinement time was pronounced as part of the initial stayed sentence. For the offenders placed on probation from 2001-2016, the total conditional confinement rate was 88 percent.
5. Although MSGC has data for offenders sentenced in 2017, these offenders have been excluded from this report because there had not been a full calendar year in which to track them while on probation.
6. This report excludes offenders who originally had a stay of adjudication and received a prison sentence upon revocation. A stay of adjudication does not meet the definition of an initial stayed sentence, as described above, because the offender was not convicted.<sup>10</sup> This report tracks revocations of probationary sentences imposed following conviction.

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<sup>8</sup> MSGC monitoring data are offender-based; cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted once, based on their most serious offense.

<sup>9</sup> See [Minn. Stat. § 609.14](#). Even if considered to be a revocation (of, for example, a stay of imposition), a restructuring of sentence that does not result in commitment to the Commissioner of Corrections is outside the scope of this report.

<sup>10</sup> See Minn. Sentencing Guidelines § 2.D.1.e and 2.D.106.

## Appendix 2. Average Pronounced Probation Lengths

The following information displays the average pronounced<sup>11</sup> probation length, in months, for felony<sup>12</sup> cases<sup>13</sup> sentenced from 2015–2017.

Figure 9 displays the average pronounced probation length by offense type. Criminal sexual conduct offenses received significantly longer probation terms when compared to other offense types. Figure 10 displays average pronounced probation terms by judicial district.

Figure 9. Average Pronounced Probation Length, in Months, by Offense Type, 2015–2017

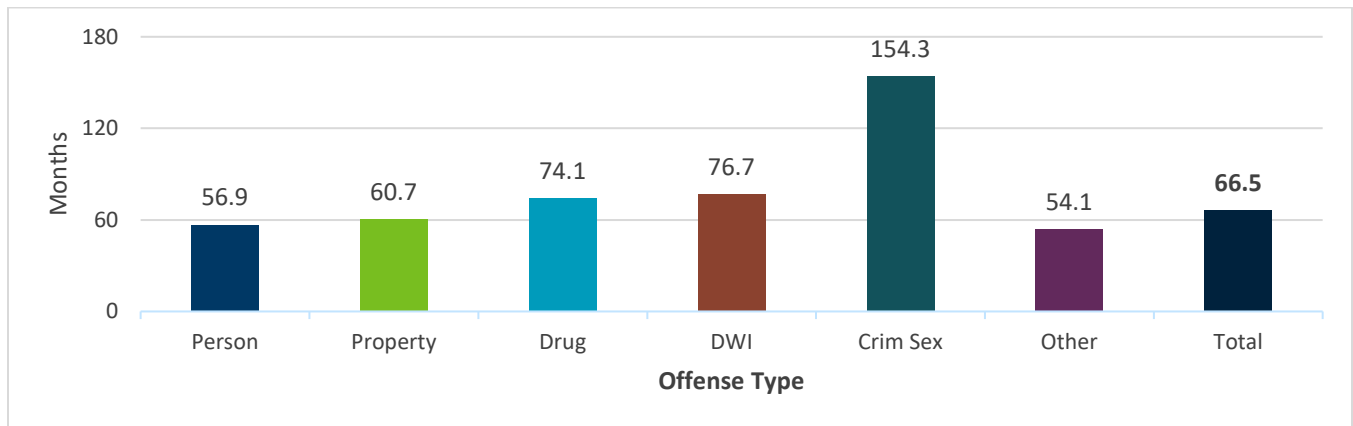
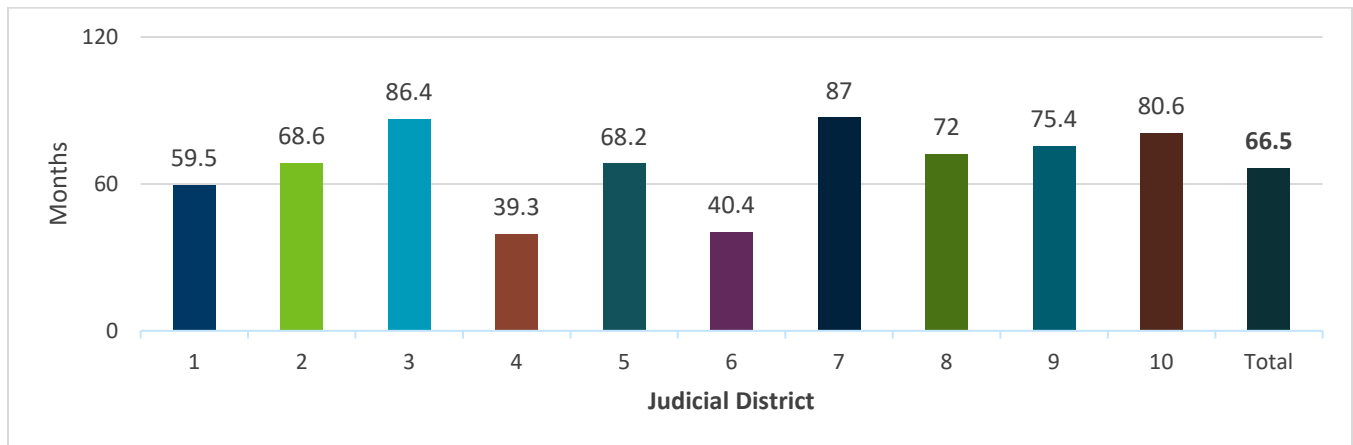


Figure 10. Average Pronounced Probation Length, in Months, by Judicial District, 2015–2017



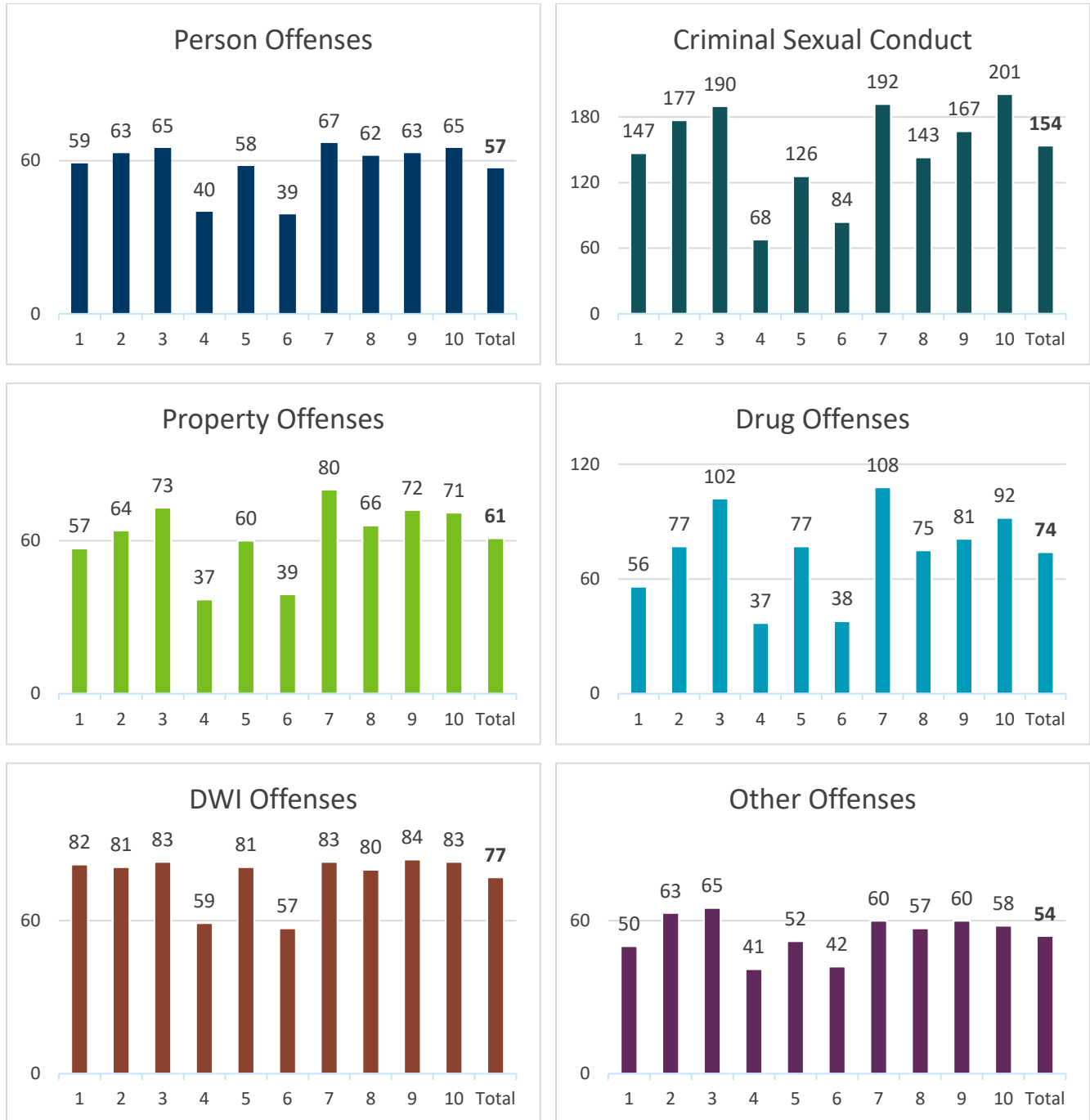
<sup>11</sup> MSGC has no information on how long offenders actually serve on probation before they are discharged.

<sup>12</sup> Probation terms for felony offenses that received misdemeanor or gross misdemeanor sentences are excluded, as were probation terms of less than one month since such terms involve almost immediate discharges from probation with credit for time served.

<sup>13</sup> Minnesota Sentencing Guidelines Commission monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

The following set of graphs display the average pronounced probation terms by offense type and judicial district. For example, from 2015–2017, the average pronounced probation term for person offenses in District 1 was 59 months. Criminal sexual conduct offenses have the longest average pronounced probation term in every district.

Figure 11. Average Pronounced Probation Term, in Months, by District and Offense Type, 2015–2017





## Appendix 3. How the Guidelines Work

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Minnesota's guidelines are based on a grid structure. The vertical axis of the Grid represents the **severity** of the offense for which the offender was convicted. The horizontal axis represents a measure of the offender's **criminal history**. The Commission has ranked felony level offenses into eleven severity levels. Offenses included in each severity level are listed in the **Severity Reference Table** in the *Minnesota Sentencing Guidelines and Commentary*.

The criminal history index measures the offender's prior record and consists of four measures of prior criminal behavior: (1) a weighted measure of prior felony sentences; (2) a limited measure of prior misdemeanor/gross misdemeanor sentences; (3) a limited measure of the prior serious juvenile record; and (4) a "custody status" measure which indicates if the offender was on probation or parole when the current offense was committed.

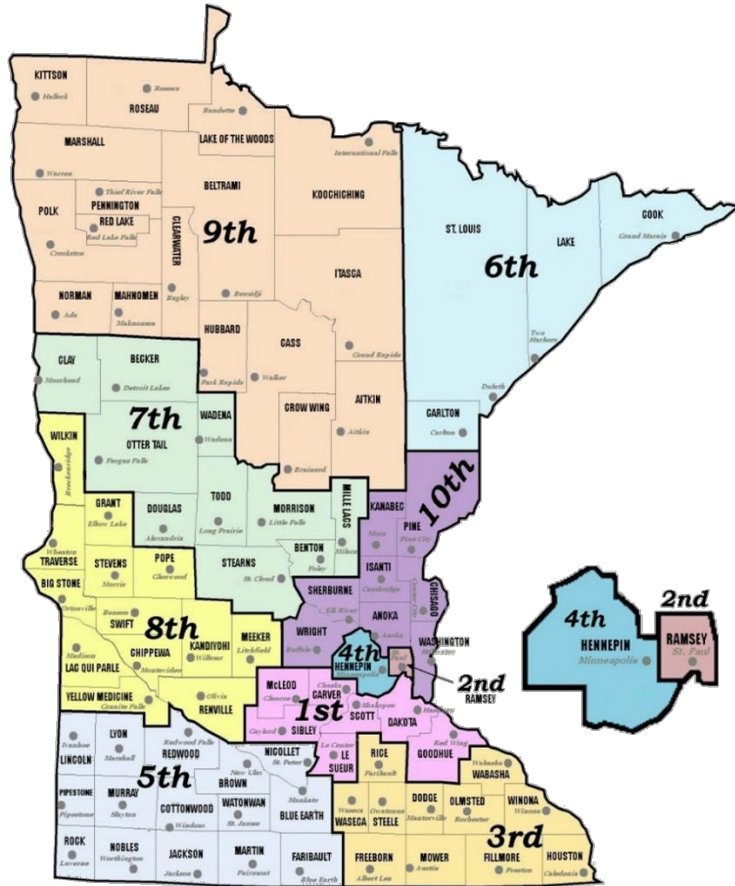
The recommended (presumptive) guideline sentence is found in the cell of the sentencing grid in which the offender's criminal history score and severity level intersect. The Guidelines recommend imprisonment in a state prison in the non-shaded cells of the grid.

The Guidelines generally recommend a stayed sentence for cells in the shaded area of the applicable Grid. When a sentence is stayed, the court typically places the offender on probation and may require up to a year of local confinement (i.e., local correctional facility, county jail or workhouse) as a condition of probation. Other conditions such as fines, restitution, community work service, treatment, house arrest, etc. may also be applied to an offender's sentence. There are, however, a number of offenses that carry a presumptive prison sentence regardless of where the offender is on the applicable Guidelines Grid (e.g., offenses involving dangerous weapons which carry mandatory minimum prison terms, and drug and burglary offenses).

The number in the cell is the recommended length of the prison sentence in months. As explained above, sentences in shaded boxes are generally stayed probationary sentences. For cases in the non-shaded cells of the applicable Grid, the Guidelines also provide a narrow range of months around the presumptive duration that a judge may pronounce and still be within the Guidelines.

It is not possible to fully explain all of the policies in this brief summary. Additional information on the Guidelines is available by contacting the Commission's office. *The Minnesota Sentencing Guidelines and Commentary* is available online at <http://mn.gov/sentencing-guidelines>.

# Appendix 4. Minnesota Judicial District Map



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

Source: Minn. Judicial Branch.