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Addressing the demand side of sex trafficking: Is the judicial system minimizing the seriousness of buying sex with women and underage girls?

WATCH

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EXECUTIVE SUMMARY

WATCH launched its Sex Trafficking Initiative in January 2014. This report focuses specifically on buyers of sex in Hennepin and Ramsey County. The key findings in this report are derived from information collected from 136 cases involving Minnesota Statute 609.324. These 136 cases involve both underage and adult victims of sex trafficking. The data were collected from January 1, 2014 through September 30, 2017.

In this report the key findings and recommendations apply to cases of purchasing sex with underage girls.

WHAT WE LEARNED

- Many discussions related to the purchasing of sex with underage girls took place in the judge's chambers instead of open court. This practice allows for the public perception that certain aspects of cases involving buyers of sex with underage girls are handled behind closed doors.
- Sentences imposed on buyers of sex with underage girls tend to be lenient based upon WATCH's belief that addressing the buying of sex is crucial to eliminating the sale of sex.
- Prostitution Assessments are inconsistent, are well below statutory levels, or are not imposed at all.

RECOMMENDATIONS

1. Develop training and educational content focused on the public policy reasoning behind the use of undercover "guardian angel cases" and the need to treat these cases as serious crimes in an effort to deter future instances of sex purchasing.
2. Increase the knowledge level of justice partners and the general public on the role of sex trafficking in Minnesota, including the experiences of victims of sex trafficking and the particular role that buyers of sex have in promoting sex trafficking of underage girls.
3. Institute a consistent prosecutorial baseline plea offer under Minnesota Statute 609.324, with a specific focus on a baseline for Minnesota Statute 609.324.1 involving underage victims.
4. Develop a specialized court calendar dedicated to sex buyer cases in order to hold offenders more accountable for their actions, and to address their specific behavior and its impact on the overall community and victims.

5. Recommendations for Judicial Officers:

- Institute policies of having an official record in open court in all hearings involving buyers of sex with underage girls in order to avoid giving the impression that a buyers' conduct can be hidden from public view.
- Reevaluate what circumstances should support acceptance of a plea to a non-felony level offense or sentencing a case at a non-felony level.

6. Recommendations for Prosecutors:

- Implement specialized and dedicated prosecutors to handle all cases involving purchasing sex with underage girls.
- Implement a practice offering their objections on the record where cases are reduced to non-felony levels, and where cases are sentenced at non-felony levels.
- Reevaluate the circumstances under which prosecutors will negotiate pleas to non-felony level offenses in light of the impacts on encouraging the sex trafficking industry.
- Reevaluate the extent to which prosecutors will negotiate jail or prison time and fines in light of the impacts on encouraging the sex trafficking industry.

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This project would not be possible without our committed volunteers and interns who spent countless hours monitoring sex trafficking cases from first appearances through sentencing. We appreciate their dedication and commitment to WATCH's mission and to the anti-sex trafficking efforts. WATCH would like to specially thank the following interns who worked on the Sex Trafficking Initiative: Elizabeth Montgomery, Abigail Villafana, Victoria Boese, and Katherine Rosenow.

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In addition, WATCH is grateful for the work of its dedicated Board of Directors throughout the Sex Trafficking Initiative. Their contributions are deeply appreciated by our staff and volunteers. We would like to especially thank WATCH board member Joan Peterson for her tireless editing and contributions to this report.

Finally, WATCH would like to thank the prosecutors and judicial officers in Hennepin and Ramsey counties who shared feedback and knowledge about the demand side of sex trafficking and contributed their considerable insights about handling sex trafficking cases.

SUMMARY OF WATCH

WATCH is a judicial advocacy organization working to make the justice system more responsive to crimes of violence against women and children through court monitoring, education for justice system personnel, action-based research and analysis, and widely distributed judicial policy recommendations and reports.

WATCH has a pool of more than 300 active volunteers and interns who, along with WATCH staff, monitor cases of violence against women and children every day. WATCH's core work includes:

- raising awareness of domestic violence, sexual abuse and sex trafficking and their impacts on women, children, and families through public outreach and education;
- monitoring courtroom processes to observe, assess and report on the ways that professional decisions and courtroom behaviors affect not only victim safety and emotional well-being, but also offender accountability;
- providing education and training to justice system personnel so that the individuals responsible for charging and prosecuting domestic violence, sexual abuse, and sex trafficking crimes understand how to most appropriately interact and deal with victims and perpetrators; and
- producing and distributing research-based reports that recommend and advocate for improvements in judicial policy and practice related to violence against women and children.

INTRODUCTION TO REPORT

WATCH has focused on reviewing and analyzing cases involving sex trafficking crimes since 2011. This is the second report WATCH has produced from those findings. In this report, WATCH focuses on how buyers of sex with underage girls are treated in the criminal justice systems of the state's two most populous counties. The Minnesota Legislature has enacted certain policies against sex trafficking. If those policies are to be fully carried out, the treatment of cases involving buying sex, particularly with underage girls, must be examined.

In December 2016, WATCH completed and released its first report on sex trafficking – *Sex Trafficking Cases: Where a Public Movement Meets the Criminal Justice System*. That first report focused on how sex traffickers who sold women and girls for sex were treated in the criminal justice systems of the state's two most populous counties, Hennepin and Ramsey. That report found inconsistencies in the prosecution and sentencing of sex traffickers and, in order to improve the enforcement of existing laws and to enhance victim safety, offered recommendations on statutory changes to Minnesota laws related to sex trafficking, encouraged additional training about sex trafficking for justice partners, and asked that the courts in the two counties review their use of downward departures in these cases. To read the first sex trafficking report, go to www.watchmn.org.

WATCH's findings in this report indicate that laws written on paper alone do not change societal practices. Instead, it is through the enforcement of the laws and handling of cases in the criminal justice system that we as a society say that such behavior will not be tolerated. As is shown by WATCH's findings, current practices do not convey the gravity of these offenses.

WATCH understands that the Minnesota Sentencing Guidelines (found in Appendix G) are the primary tool used in sentencing and that for many observers this can seem confusing in light of statutory requirements. As stated later in this report, based upon the criminal history, the buyers of sex with an underage girl would not serve any time in prison for their actions. WATCH does not advocate prison sentences for these buyers but instead asks for an overall evaluation of current sentences in light of the impact buyers of sex with underage girls have on our society.

KEY FINDINGS

- Many discussions related to the purchasing of sex with underage girls took place in the judge's chambers instead of open court. This practice allows for the public perception that certain aspects of cases involving buyers of sex with underage girls are handled behind closed doors.
- Sentences imposed on buyers of sex with underage girls tend to be lenient based upon WATCH's belief that addressing the buying of sex is crucial to eliminating the sale of sex.
- Prostitution Assessments are inconsistent, are well below statutory levels, or are not imposed at all.

METHODOLOGY

IDENTIFYING AND TRACKING CASES

This report includes information collected from 136 cases involving Minnesota Statute 609.324. The data were collected from January 1, 2014 through September 30, 2017. Minnesota Statute 609.324 references underage victims of sex trafficking in three categories: as individuals under the age of 13 years, 16 years but at least 13 years, and under 18 years but at least 16 years. This report also includes cases where the victim was over the age of 18. WATCH found that victims related to cases in this report were all female or an officer posed as an underage girl. For the purposes of this report WATCH has chosen to use the term underage girl when referencing victims.

In this report the key findings and recommendations apply to cases of purchasing sex with underage girls.

In conducting this report focused on buyers of sex, WATCH tracked new cases involving charges under Minnesota's law against purchasing sex (Minnesota Statute 609.324). WATCH

staff identified the judges responsible for First Appearances and Felony Arraignments calendars in both Hennepin and Ramsey counties. WATCH staff reviewed each calendar case-by-case to find new cases related to this project.

Once WATCH staff identified and obtained a buyer's full name and case number, staff used the Hennepin County Government Center Public Access Computers to obtain the criminal complaint, as well as the buyer's criminal history in both Hennepin and Ramsey County.

Using the case numbers, WATCH staff monitored the Minnesota Trial Court Information System (MNCIS) daily to track any subsequent hearings related to each case. Once a hearing was identified, WATCH sent a trained volunteer or intern to observe the case in court. The volunteer or intern would use WATCH's court monitoring forms to take notes on what occurred during the hearing.

WATCH continued to monitor all cases that were part of this project, even after sentencing, in order to track any probation violations.

As part of the research process, WATCH staff conducted interviews with prosecutors in both Hennepin and Ramsey counties who were assigned to sex trafficking cases. The purpose of these interviews was to gain a better understanding of how criminal cases related to sex buyers are charged and resolved in order to put the data collected for this report in the broader context of the dynamics of criminal prosecutions. WATCH also met with judicial officers in both Hennepin and Ramsey in an effort to better understand the judicial perspective on the handling these cases.

PROJECT VARIABLES

The 136 cases that WATCH tracked were charged under Minnesota Statute 609.324 entitled, "Patrons; Prostitutes; Housing Individuals Engaged In Prostitution; Penalties." This statute includes all crimes related to the purchase of sex and an individual offering sexual services.

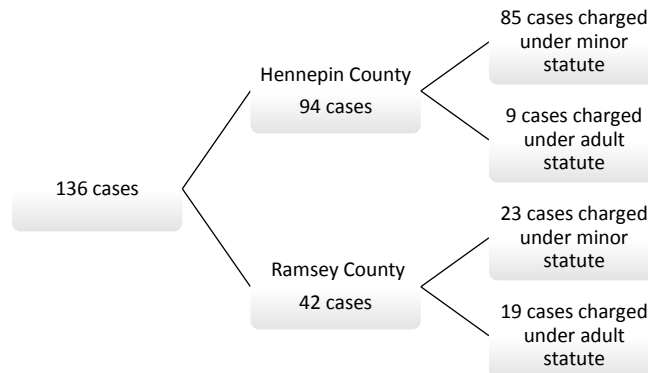
The complete text of Minnesota Statute 609.324 can be found in Appendix A of this report.

WATCH developed and maintained a project database that tracked 49 separate variables, to the extent that the information was available. The variables related to defendant and victim demographic information, charging information, and case dispositions. A complete list of the variables can be found in Appendix B of this report. For the purpose of this project, WATCH focused on:

- Buyer demographic information,
- Law enforcement sting operations, and
- Case charging and case dispositions

CASE VOLUME

The diagram below shows a breakdown of the 136 cases involving Minnesota Statute 609.324 by county and whether or not the buyer was charged with purchasing sex with an underage girl or adult.



Of the 136 cases, 94 were in Hennepin County, and 42 were in Ramsey County. Overall, 108 cases were charged under the statute section related to purchasing sex with an underage person (under the age of 18), and 28 cases were charged under the statute section related to purchasing sex with an adult (age 18 or older). In Hennepin County, there were 85 cases involving underage girls, and nine adult cases. In Ramsey County, there were 23 cases involving underage girls and 19 adult cases. As of October 2017, 85 of the 136 cases had been resolved, leaving 51 unresolved cases.

WHO ARE THE VICTIMS?

The victims came from a variety of backgrounds. Victims in these cases included a pregnant female who was approached on the bus for sex, a 14-year-old girl, and girls who had run away from home. Below are three stories of cases involving underage girls.

Case Information

The victim was a 16-year-old female who was pregnant at the time and riding the bus. The 16 year-old contacted the Metro Transit Police Department and disclosed to the officers that there had been inappropriate behavior on behalf of the bus driver. After a series of unsolicited advances, the bus driver did not stop at the victim's bus stop in October of 2015, but instead drove farther and told her that he would give the victim \$100 if she performed oral sex. After refusing, the defendant exposed himself to the victim. After the victim repeatedly said no, the defendant drove the victim back to her bus stop.

Case Disposition

The defendant pleaded guilty to one count of Felony Prostitution- Hire or Agree to Hire 16 to 17 Yr. Old and received a stayed prison sentence of five years. The defendant was also ordered to serve 90 days in the Hennepin County Workhouse and to be on supervised probation for five years.

Case Information

A 14-year-old girl in Minnetonka was coerced into having sex in exchange for cigarettes by three adult men, ages 21, 26, and 44. The victim told counselors that a man would sell her cigarettes if she would expose her breasts to him, and that he would molest her in the back of the gas station where there were no cameras.

Case Disposition

The criminal complaints are not available for this case. This information was located in the Statement of Facts submitted to the record in the Fourth Judicial District of Minnesota. This case is still pending.

Case Information

Two females ages 16 and 17 left a treatment program and were found with a trafficker by local law enforcement. The victims disclosed to the officers that they both were paid to have sex with men in a house in Minneapolis. The victims described the room where they had a list of rules, including that they had to be “completely naked,” that they had to stay for 40 minutes, and that they would be paid after they had sex. The officers located the room the victims described and arrested the man living there. The defendant admitted to the officers that he had sex with the girls for money, but that it was “normal sex you would have with a woman.”

Case Disposition

The defendant was charged with two misdemeanor counts of Prostitution- Patron- Engage in with 18 Years Old or Older, not the minor statute. The defendant pleaded guilty to both counts and received 90 days in the Hennepin County Workhouse, stayed for two years. The defendant was placed on supervised probation for two years in June of 2013. In November of 2014 the defendant failed to appear at his hearing and, although he has had a warrant out for his arrest ever since, is not in custody.

UNDERCOVER LAW ENFORCEMENT STING OPERATIONS

The overwhelming majority of cases in this report involved the use of an undercover sting operation, including those conducted by Operation Guardian Angel, in which an officer, or team of officers, posts ads online advertising themselves for sexual acts. Operation Guardian Angel was founded by Minneapolis Police and is a combined effort of the Minneapolis Police, St. Paul Police, Hennepin County Sheriff’s Office, FBI, and Homeland Security. Operation Guardian Angel has been ongoing since 2014. Agents utilize Backpage.com, Craigslist, and other online sites to combat underage sex trafficking by creating fake ads. During correspondence with responders, agents disclose they are minors and the parties agree on a price. Once this takes place, responders agree on where to meet. If buyers travel to the meeting location, they find a police officer instead of an underage person.

Of the 136 cases tracked, WATCH identified 117 that involved an undercover officer. In 93 of the cases, officers posed as an underage girl. The average age an officer posed as was 15; all posed as females. There were times when the officers posed as more than one female, setting the buyer up to meet with two girls instead of one. Twenty-four cases involved an officer or team of officers posing as an adult. In three cases, WATCH was not able to verify the age of the victim or whether a sting operation was involved because the criminal complaints were not available to the public.

WATCH found that buyers in sting operations received an average of 46 days in the workhouse (jail) and buyers in cases not involving a sting operation received an average of 86 days. WATCH also found that of the seven cases dismissed in this report, six of those cases involved a

sting operation. WATCH finds this difference notable because there is no real difference in the buyers' conduct until they reach the hotel door. A buyer responds to an online ad offering sex with an underage girl, travels (sometimes significant distances), and pays money to have sex with an underage girl. The only difference is that the buyer is not able to actually have sex with an underage girl.

WHO ARE THE BUYERS?

In order to discover who the buyers of sex were, WATCH tracked certain defendant demographic information as part of this project. The variables tracked in this report include age, gender, race/ethnicity (when observable in the courtroom), address (county) and criminal history.

WATCH found that the buyers' demographic information included in this report is consistent with previous research conducted on buyers in Minnesota. Of the 136 cases included in this report, all but one buyer was male. The average age of the buyers was 38.

Despite having only monitored and tracked cases within Hennepin and Ramsey counties, WATCH found that the buyers came from 12 different counties across the state of Minnesota. WATCH also found that eight of the buyers lived outside of Minnesota—in Wisconsin, California, and Colorado. The 128 buyers living in Minnesota came from 51 cities. This data show that buyers travel from all parts of our state in order to have sex with an underage person.

For a more detailed breakdown of the buyers' ages, race/ethnicity and address, see Appendix C.

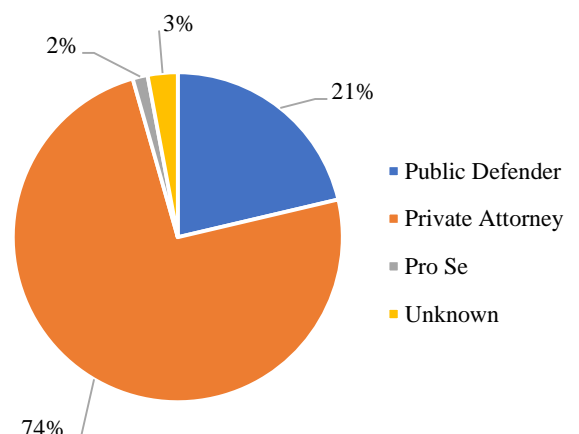
BUYERS' CRIMINAL HISTORY

Overall, WATCH found that the criminal histories of the buyers were not as extensive as the criminal histories of those convicted of selling women and girls for sex, and the nature of the prior offenses differed from those convicted of sex trafficking. WATCH found that 38 percent of the defendants had some criminal history in Minnesota. This percentage differs greatly from WATCH's report on sex traffickers, which found that sellers often had extensive criminal histories. Of the buyers who had a criminal history in Minnesota, the most common offenses included DWI, drug-related charges, disorderly conduct, theft, and domestic assault. Only three defendants had previous charges related to buying sex.

BUYERS REPRESENTED BY A PUBLIC DEFENDER VERSUS A PRIVATE ATTORNEY

A variable WATCH included in the data collection and research was whether the buyer was represented by a public defender or private attorney. WATCH found that of the 136 cases, 29 buyers were appointed a public defender, 101 buyers obtained a private attorney, and two buyers chose to represent themselves. WATCH was unable to obtain the attorney information for four

Public Defender v. Private Attorney



cases because the defendants either had a warrant out for their arrest and have not had an official court hearing yet, or the information was missing from MNCIS.

WATCH volunteers noted many discussions related to the purchasing of sex with underage girls took place in the judge’s chambers instead of in open court. This practice affords buyers of sex with underage girls the public perception that certain aspects of their cases are handled behind closed doors.

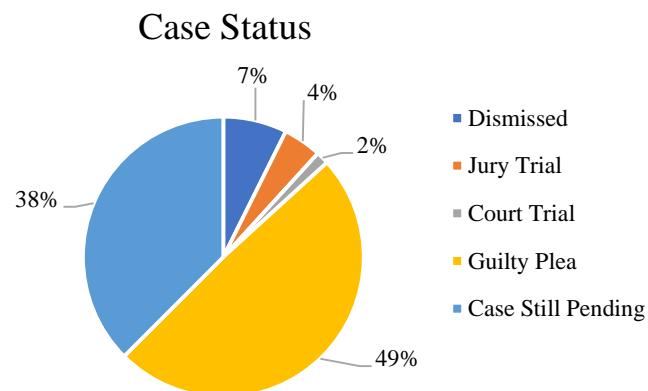
WATCH understands that discussions in judge’s chambers occur in all types of matters, civil, family, juvenile and criminal and they only occur when counsel for both (or all) parties are present. In this report, WATCH brings attention to this practice in cases involving the purchase of sex with underage girls because of the stark contrast to the experience of our volunteers in cases involving sex traffickers. Due to the common nature of this practice and its potential negative public perception, there may be an opportunity in future WATCH research to evaluate this practice in all court proceedings.

This predominance of representation by private attorneys in the cases studied differs significantly from other types of criminal cases. One question is whether the predominance of private attorneys affects the ways in which these cases are handled.

CASE DISPOSITIONS

HOW CASES WERE RESOLVED

This portion of WATCH’s report analyzes 85 cases (involving underage and adult victims) that were resolved as of October 15, 2017. Of the resolved cases, 10 cases were dismissed, six cases went to jury trial, two had a court trial, and 67 buyers entered a plea of guilty, either based on a plea bargain with the prosecutor or directly with a judge. Overall, the average amount of time it took to resolve a case was six months.



DISPOSITIONS IN CASES OF PURCHASE OF SEX WITH AN UNDERAGE GIRL

This section of WATCH's report focuses on the resolved cases involving purchase of sex with an underage girl. WATCH's research uncovered a pattern of leniency in cases involving purchase of sex with an underage girl.

DISMISSED CASES INVOLVING PURCHASE OF SEX WITH AN UNDERAGE GIRL

Eleven percent (7) of the cases where a person was charged with buying sex with an underage girl were dismissed. Of the seven dismissed cases, five of the buyers had private attorneys. Six of the dismissed cases involved undercover operations by law enforcement. WATCH found that the cases were either dismissed by the prosecuting attorney pursuant to Rule 30.01* or the judicial officer granted the defense attorney's motion to dismiss the case due to lack of probable cause.

*** Rule 30.01 By Prosecutor**

The prosecutor may dismiss a complaint or tab charge without the court's approval, and may dismiss an indictment with the court's approval. The prosecutor must state the reasons for the dismissal in writing or on the record. In felony cases, if the dismissal is on the record, it must be transcribed and filed.

CONVICTIONS IN CASES OF PURCHASE OF SEX WITH AN UNDERAGE GIRL

In reviewing the resolved cases involving underage girls, WATCH found that 83% (51/61) of the buyers were charged with a felony. Not including the seven dismissed cases, of the 51 cases originally charged with a felony, 61% of the defendants were sentenced at the felony level. The remaining buyers were sentenced at the gross misdemeanor and misdemeanor level. When a person is sentenced at a non-felony level, the recorded conviction also becomes non-felony. This apparently common practice of sentencing at a non-felony level would appear to undermine the intent expressed in Minnesota law to have these cases charged at the felony level.

IMPOSITION OF PRISON OR JAIL TIME FOR FELONY CONVICTIONS IN CASES INVOLVING THE PURCHASE OF SEX WITH AN UNDERAGE GIRL

Of the 51 resolved cases involving convictions for purchase of sex with an underage girl, only 27 were actually sentenced as felonies. When convicted of a felony, a defendant may be sentenced to prison time or to the Hennepin County Workhouse or the Ramsey County Correctional Facility ("jail"). Defendants serve their time in prison when sentenced to more than one year in custody. Defendants serve their time in jail if the sentence is one year or less.

If the defendant has no or little criminal history, according to the Minnesota Sentencing Guidelines they will not serve any prison time. A felony offense remains a felony even if a stay of imposition is ordered by the judge until the defendant successfully completes probation. It may then be reduced to a misdemeanor.

Thus, of the original 51 cases charged involving purchase of sex with an underage girl, eight were sentenced to prison. Although the average prison sentence of a buyer was 19 months, of the eight buyers that were sentenced to prison time, only one buyer served prison time (based on the

Minnesota Sentencing guidelines), whereas the other seven buyers received a stayed prison sentence and served time in jail. The average time served in jail was 75 days.

WATCH also found that at least four of the defendants convicted of a felony were allowed to complete community service in lieu of some or all of their jail time, and four defendants received only 1-2 days in jail. These findings show that it is rare for a buyer of sex with an underage girl to actually serve time in prison.

JAIL TIME IMPOSED IN GROSS MISDEMEANOR AND MISDEMEANOR CONVICTIONS

Of those charged with felonies under the statute related to purchase of sex with an underage girl, 27 buyers were convicted of a gross misdemeanor or misdemeanor. Generally, the ability to enter a guilty plea to a non-felony level of crime is a significant lessening of consequences for a convicted defendant. Even though defendants convicted of buying sex with a underage girl had already benefitted from this lowering of the level of the conviction, WATCH found that dispositions at the non-felony levels of conviction were also lenient.

When convicted of a gross misdemeanor or misdemeanor, an individual cannot be sentenced to time in prison; instead the individual faces jail time. WATCH found that none of the 27 buyers convicted of a gross misdemeanor or misdemeanor served any significant jail time. These buyers received the majority of their time “stayed,” meaning they would not spend time in jail unless they failed to complete conditions of probation imposed by the court. The most time any defendant convicted of a gross misdemeanor actually served was 60 days; the most time a defendant convicted of a misdemeanor served was 30 days. Several defendants were also allowed to complete community service, serve their jail time on Electronic Home Monitoring, or were furloughed from jail to go to work.

PROSTITUTION ASSESSMENT

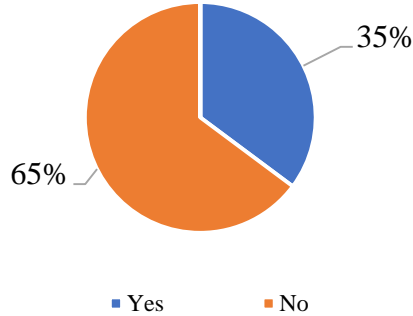
WATCH examined the level of prostitution assessments* imposed in these cases. Upon conviction of Minnesota Statute 609.324, the court shall impose a monetary prostitution assessment. This assessment cannot be waived. The prostitution assessment will be spent on police enforcement and education on the sexual exploitation of youth, prosecution of sex crimes, and crime victim services for sexually exploited youth.

WATCH found that only 35% of people convicted of buying sex with an underage girl were court-ordered to pay a prostitution assessment, and that the average was \$409. Given that 74% of defendants had the means to hire a private attorney, the reason for the low prostitution assessment was not likely a defendant’s poor economic circumstances.

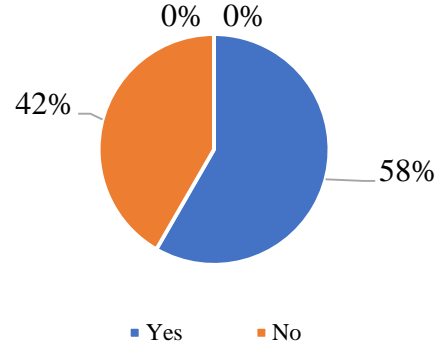
In 65% of the cases where a defendant was convicted of buying sex with an underage girl, the court did not impose a prostitution assessment. WATCH found that when it came to purchase of sex with an adult, the court ordered the payment of a prostitution assessment 58% of the time and the fines averaged \$536. Thus, defendants convicted of buying sex with an underage girl are

much *less likely* to face payment of a prostitution assessment and *more likely to pay a lower amount* than defendants convicted of buying sex with an adult.

Prostitution Assessment Imposed Under Minor Statute



Prostitution Assessment Imposed Under Adult Statute



***609.3241 PENALTY ASSESSMENT AUTHORIZED.**

(a) When a court sentences an adult convicted of violating section [609.322](#) or [609.324](#), while acting other than as a prostitute, the court shall impose an assessment of not less than \$500 and not more than \$750 for a violation of section [609.324, subdivision 2](#), or a misdemeanor violation of section [609.324, subdivision 3](#); otherwise the court shall impose an assessment of not less than \$750 and not more than \$1,000. The assessment shall be distributed as provided in paragraph (c) and is in addition to the surcharge required by section [357.021, subdivision 6](#).

(b) The court may not waive payment of the minimum assessment required by this section. If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate payment of the assessment would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount of the minimum assessment to not less than \$100. The court also may authorize payment of the assessment in installments.

SENTENCES IMPOSED ON BUYERS OF SEX WITH AN UNDERAGE GIRL LOWER THAN ESTABLISHED UNDER MINNESOTA LAW

WATCH’s study revealed buyers of sex received more lenient sentences than those set forth in Minnesota law. Eleven buyers received a downward dispositional departure as part of their sentence, meaning they were given a sentence below those established by the Minnesota law.

When a defendant receives more lenient sentences than set forth in Minnesota law, judges are required to file a departure report that sets forth specific reasons why the judge imposed a sentence below that in the law.

According to departure reports that were filed, the most common reasons a buyer received a downward departure from the recommended sentencing guidelines were:

1. Crime less onerous
2. Defendant lacked substantial capacity for judgment
3. Amenable to probation
4. Amenable to treatment
5. Shows remorse/accepts responsibility
6. Plea agreement between parties

7. Prosecutor does not object to departure
8. Departure recommended by the prosecutor

DIRECT PLEAS TO JUDGES

In all criminal cases, defendants have the right to plead guilty directly to a judge instead of accepting a plea bargain from the prosecutor. Judges cannot deny the request of the defendant to plead directly to a judge. This is commonly called a “straight plea” and is often done when a defendant believes he will receive more favorable treatment directly from the judge than he can achieve through a plea bargain with a prosecutor. Prosecutors cannot object if a defendant wishes to plead guilty as charged. Seven of 61 buyers resolved their cases via a straight plea.

All seven of the straight plea cases involved an undercover operation by local police departments. In those cases, the defendants pleaded to the charge and received a lesser sentence or received a stay of imposition of a felony, meaning the defendant’s crime would be reduced to a misdemeanor upon completion of a jail sentence and/or completion of supervised probation. Below are three cases where a defendant pleaded guilty directly to the judge.

Morabito, Joseph Ralph was charged in Ramsey County in 2015. Undercover officers of the St. Paul Police Department posted ads for sexual services on Craigslist.com, posing as a female named Sara who, through conversations with the buyer, was said to be 17 years old. According to the criminal complaint, the buyer admitted to officers that he had used Craigslist in the past to find “sexual hookup” opportunities. Morabito was charged with attempting to hire a minor, age 16-17 for sex.

The buyer in this case pleaded guilty to Felony *Prostitution- Hire or Agree to Hire 16 to 17 Yr. Old* and received a Stay of Imposition Pursuant to Minn. Stat. §609.135, under which the crime is reduced from a felony to a misdemeanor once the buyer has completed his probation. Thus, his criminal record will show only a misdemeanor offense, not a felony. The buyer received two days in the Ramsey County Correctional Facility, with credit for serving those two days while being held in jail pretrial, and five years of supervised probation. As a result, the buyer served only the two days he was held in jail immediately after his arrest and is likely to have no felony conviction on his record.

Mardones-Valenzuela, Sebastian Ignacio was charged in 2016 in Hennepin County. Undercover officers from the Eden Prairie Police Department, along with officers from other agencies, posted ads on Backpage.com targeting solicitation of minors for sexual conduct. In this case, officers posed as a female under the age of 17. According to the criminal complaint, the buyer was looking for oral sex and “possibly more” and said that he could pay \$43. Mardones-Valenzuela was charged with one count of Felony *Prostitution- Actor Hires or Agrees to Hire and Reasonably Believes Under 18 but at Least 16*.

Approximately 10 months later, Mardones-Valenzuela and his attorney went to the judge and entered a straight plea of guilty to felony *Prostitution- Actor Hires or Agrees to Hire and Reasonably Believes Under 18 but at Least 16* but sentenced as a Gross Misdemeanor. His sentence was 365 days stayed in the Hennepin County Workhouse, but he was not required to serve any of that time if he did not reoffend or violate probation for two years. As a result, the buyer served only the one day he was held in jail immediately after his arrest.

Chernet, Henoke Telahun was charged in March 2016 with one count of Felony *Prostitution- Actor Hires or Agrees to Hire and Reasonably Believes Under18*. According to the criminal complaint, Mr. Chernet answered an ad on Backpage.com that was soliciting sexual conduct. Through the course of the conversation between Mr. Chernet and the police officers posing as a 16-year old and a 14-year old, the buyer decided to meet with the girls, saying, "I can come to see you if you can keep it as secret." The buyer agreed to a price of \$80 for 30 minutes of sexual intercourse.

In December 2015, the defendant entered a plea directly to the judge. Mr. Chernet received a Stay of Imposition Pursuant to Minn. Stat. §609.135, meaning his crime would be reduced to a misdemeanor after he completes his sentencing requirements. He received a sentence of 45 days in the Hennepin County Workhouse and supervised probation for three years. This disposition was recommended by probation.

As can be seen from the descriptions of the buyers' conduct in these cases, the fact that a case arises from an undercover police operation does not diminish the culpability of the buyers' actions. Buyers actively looked on websites and indicated that they wanted to have sex with an underage girl. They took numerous affirmative steps, such as negotiating a price and traveling to a location for sex. Finally, the buyers agreed to pay to have sex with an underage girl. These were not situations where the police were hanging out in bars or nightclubs enticing unsuspecting innocent individuals. The buyers' conduct showed their clear intent to buy sex with an underage girl. WATCH does not understand how the buyers' conduct is any less serious or potentially less harmful when a sting operation is involved.

CONCLUSION

This WATCH report makes clear that cases involving purchasing sex with an underage girl are not handled as seriously in our courtrooms as Minnesota law indicates they should be. Many discussions related to purchasing sex with underage girls took place in a judge's chambers instead of in open court, thus avoiding public scrutiny. Cases are reduced from felonies to non-felonies through a variety of methods, either through pleas to reduced sentence or via sentencing at non-felony levels.

WATCH found for buyers of sex with underage girls that when serving jail time, the time served is quite low. Even more surprisingly, most buyers of sex with an underage girl are not even paying a prostitution assessment. When a prostitution assessment is imposed, it is below the statutory amounts and even below the levels imposed on buyers of sex with adults.

The results revealed in WATCH's report seem incongruous with the nature of the offense of buying sex with an underage girl. It is difficult to understand what causes these results except that certain practices have developed over time and have not been examined for their overall impact on the safety of underage girls caused by the demand from buyers seeking sex. The total effect of these practices is to convey a message that buying sex with an underage girl is not a very serious offense. Yet, the trafficking of underage girls for sex would not occur without a demand to purchase sex.

The buying of sex with underage girls should be treated by our society and in turn our courts as a serious part of the problem of sex trafficking. WATCH strongly believes that addressing the demand side of sex trafficking is critical to ending the sale of Minnesota women and underage girls.

In order to address these issues, WATCH makes the following recommendations:

RECOMMENDATIONS

1. Develop training and educational content focused on the public policy reasoning behind the use of undercover “guardian angel cases” and the need to treat these cases as serious crimes in an effort to deter future instances of sex purchasing.
2. Increase the knowledge level of justice partners and the general public on the role of sex trafficking in Minnesota, including the experiences of victims of sex trafficking and the particular role that buyers of sex have in promoting sex trafficking of underage girls.
3. Institute a consistent prosecutorial baseline plea offer under Minnesota Statute 609.324, with a specific focus on a baseline for Minnesota Statute 609.324.1 involving underage victims.
4. Develop a specialized court calendar dedicated to sex buyer cases in order to hold offenders more accountable for their actions, and to address their specific behavior and its impact on the overall community and victims.
5. **Recommendations for Judicial Officers:**
 - Institute policies of having an official record in open court in all hearings involving buyers of sex with underage girls in order to avoid giving the impression that a buyer’s conduct can be hidden from public view.
 - Reevaluate what circumstances should support acceptance of a plea to a non-felony level offense or sentencing a case at a non-felony level.
6. **Recommendations for Prosecutors:**
 - Implement specialized and dedicated prosecutors to handle all cases involving purchasing sex with underage girls.
 - Implement a practice offering their objections on the record where cases are reduced to non-felony levels, and where cases are sentenced at non-felony levels.
 - Reevaluate the circumstances under which prosecutors will negotiate pleas to non-felony level offenses.
 - Reevaluate the extent to which prosecutors will negotiate jail or prison time.

APPENDIX A

Complete description of Minnesota Statute 609.324.1, 609.324.2, 609.324.3

609.324 PATRONS; PROSTITUTES; HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.

Subdivision 1.Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.

(a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) engages in prostitution with an individual under the age of 13 years;

(2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 13 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

(1) engages in prostitution with an individual under the age of 16 years but at least 13 years;

(2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) engages in prostitution with an individual under the age of 18 years but at least 16 years;

(2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Subd. 1a.Housing unrelated minor engaged in prostitution; penalties.

Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor

is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

Subd. 2. Prostitution in public place; penalty for patrons.

Whoever, while acting as a patron, intentionally does any of the following while in a public place is guilty of a gross misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

Subd. 3. General prostitution crimes; penalties for patrons.

(a) Whoever, while acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

APPENDIX B

Project Variables

It is important to note that not all project variables are included in this report.

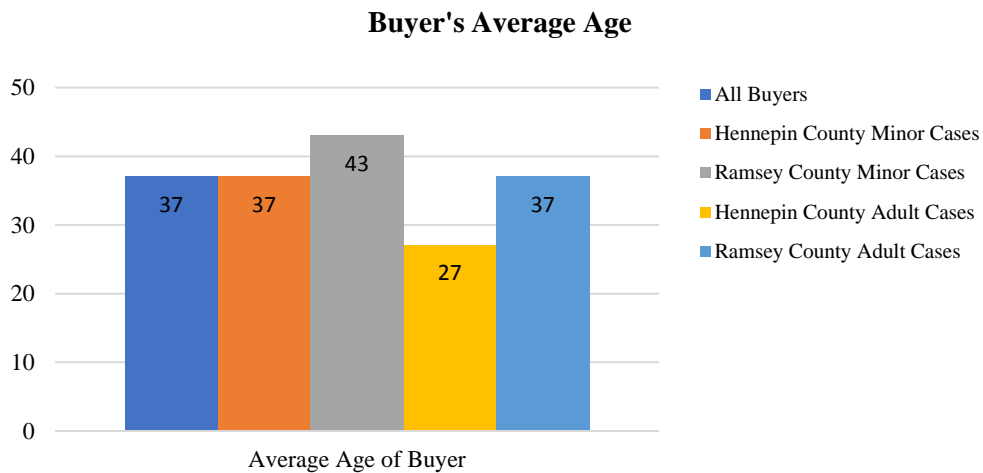
Defendant Name	Level of offense convicted guilty of
County	Statutory reference convicted of
Case Number	Case disposition
Gender	Conditions imposed at sentencing
Ethnicity	Was the defendant ordered to pay a prostitution fine?
Did the defendant need an interpreter?	If yes, what was the amount of the fine ordered to pay?
Language spoken at hearing?	Type of departure (if applicable)
Date of Birth	Did the defendant receive a stayed sentence?
Defendant's age	How was the case resolved, trial or plea?
Charge(s)- based on criminal complaint	Was the sentence lower, middle or higher than the sentencing guidelines?
Statutory reference from criminal complaint	Is the defendant in custody?
Level of offense charged with according to criminal complaint	Defendant's address
Charge(s)- based on MNCIS	Date of first appearance
Statutory reference from MCNIS	Date of resolution
Level of offense charged with according to MNCIS	Time between date of complaint and date of resolution
Description of bail	Judge
Address of incident or how the crime was reported	Prosecuting Attorney
Did this case involve a juvenile or adult?	Defense Attorney
Victim information (if available)	Public or Private Attorney
Victim's age if available	Defendant past criminal history
Did this case involve an undercover sting operation?	Did the defendant violate probation for this case?
Was backpage.com, craigslist or other websites used?	Result of probation violation
Charges convicted of	

APPENDIX C

BUYERS' DEMOGRAPHIC INFORMATION

BUYERS' AGE

WATCH staff obtained the buyers' ages from criminal complaints and MNCIS. The overall average age of the buyers within this report was 38. The ages ranged from 18 to 68. WATCH found that in Hennepin County cases involving underage victims, the buyer's average age was 37; in Ramsey County, the average age was 43. When it comes to those charged under the adult statute, the average age of the buyer was 27 in Hennepin County and 37 in Ramsey County.

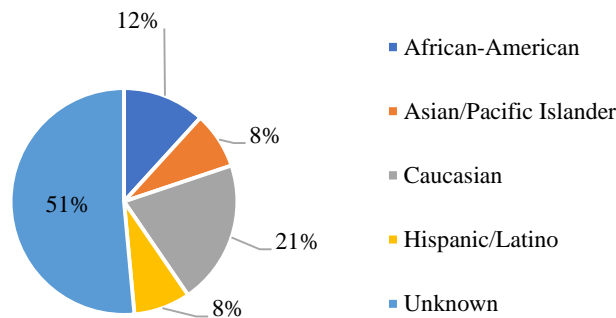


RACE/ETHNICITY

WATCH staff obtained information about the ethnicity of defendants through media reports and WATCH volunteers' observations in court. As shown in the chart below, 51 percent of the buyers could not be identified. The primary reason that the defendants could not be observed is that the cases were not heard on the record in the public courtroom as scheduled. Information about race and ethnicity is not made available to the public in other court documents.

Based on the data WATCH staff was able to collect, of the identified 49 percent of buyers, 21 percent were Caucasian, 12 percent were African-American, and 8 percent were Asian/Pacific Islander and Hispanic/Latino. This information differs from WATCH's first report on sex traffickers, in which data showed that the overwhelming majority of cases involved an African-American defendant. The data from WATCH's second report align with other research conducted on the topic of race and those who purchase sex.

Buyers' Ethnicity



BUYERS' ADDRESS

Despite monitoring and tracking cases only within Hennepin and Ramsey counties, WATCH staff found that the buyers came from 12 different counties across Minnesota. WATCH staff also found that eight of the buyers were listed as living outside of Minnesota—in Wisconsin, California and Colorado.

County	Number of Cases
Anoka	8
Carver	1
Chisago	1
Dakota	4
Hennepin	17
Pine	1
Ramsey	7
Scott	1
Stearns	1
Todd	1
Washington	4
Wright	5

The 128 buyers living within Minnesota come from 51 cities. The data collected for this report align with the findings of Dr. Lauren Martin and her team at the University of Minnesota’s Urban Research and Outreach-Engagement Center. In August 2017, Dr. Martin and her team released a report entitled *Mapping the Demand, Sex Buyers in the State of Minnesota*, focusing on sex buyers in Minnesota, where they come from, who they are and how they illegally purchase sex in our state. Their report found that sex buyers come from all communities across Minnesota, including urban, suburban and rural. WATCH’s data confirms this. Of the 136 cases in this report, the counties most represented in the data are Hennepin, Anoka, Ramsey, Dakota, Washington and Wright. It is understandable that Hennepin and Ramsey be included in these numbers because the cases are charged within these two counties. The data show that individuals from outside of Hennepin and Ramsey counties will travel to purchase sex.

As previously stated, WATCH’s data included eight cases where the buyer was listed as living outside Minnesota. Here are two examples of those buyers.

Wisconsin

In one case, undercover officers posted an ad in the escort section of Backpage.com. The ad was titled, "Bella Wants to Ride! Golfer specials." After the defendant contacted the undercover officer, the officers disclosed that they were really 15 years old and not 18 years old. After exchanging photos, according to the criminal complaint, the defendant wrote back, "Man I really wish I did not know how old you are I was hoping 18 I do not need any trouble are you from MN then." After one more photo exchange, the 32 year-old defendant arranged to meet with who he thought was a 15-year-old girl, bringing along \$120 for 30 minutes of sexual intercourse.

The defendant pleaded guilty to one count of Prostitution- Actor Hires or Agrees to Hire and Reasonably Believes Under 16 but at least 13. He received 18 months in prison, stayed for 10 years, along with 45 days in the Ramsey County Correctional Facility and 10 years of Supervised Probation.

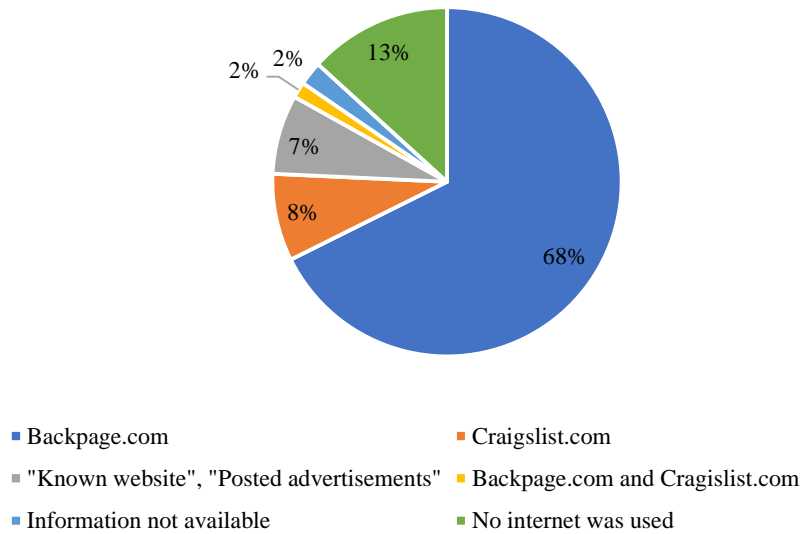
Colorado

Through an ongoing investigation, investigators of the Minneapolis Police Department learned of a number of sex trafficking incidents inside an apartment building in Minneapolis. An underage victim disclosed to officers the location where she performed acts of prostitution with a man who paid her \$300. The officers went to the residence where they found the man described by the victim.

The defendant pleaded guilty to one count of gross misdemeanor Prostitution-Patron- Engage in with 18 Year Old or Older, not the child statute. The defendant received 90 days in the Hennepin County Workhouse, 87 of those days to be stayed for one year. He was also placed on supervised probation for one year. According to information disclosed at the sentencing hearing, the defendant was living in Aspen, CO, at the time with his pregnant fiancé.

APPENDIX D

Use of the Internet



Based on the statements made in the relevant complaints, the internet is a key tool when it comes to the buying and selling of young girls. The most common website used in these cases was Backpage.com; WATCH found that 68 percent of the cases involved this website. Eight percent of the cases involved the use of Craigslist.com, while two percent involved both Backpage.com and Craigslist.com. Seven percent of the cases were not specific, but used terms such as “posted advertisements” and “several websites,” and in three cases WATCH was not able to verify the use of the internet because the criminal complaints were not available.

APPENDIX E

SENTENCING IN CASES OF PURCHASE OF SEX FROM AN ADULT

In the state of Minnesota, it is illegal to purchase or attempt to purchase sex from an individual 18 or older. WATCH evaluated 24 resolved cases involving the statute prohibiting buying sex with an adult. Minnesota law allows these buyers to only be charged and/or convicted with a gross misdemeanor or misdemeanor.

Of the total of the 28 cases where defendants were charged with buying sex with an adult, three cases resulted in the buyer being acquitted of all charges, and three cases resulted in dismissals. The average time a buyer received in jail was 69 days, with 1.4 years of probation. Seven defendants received a Stay of Imposition Pursuant to Minnesota Statute 609.135, and one defendant received a Stay of Adjudication.

APPENDIX F

PROBATION VIOLATIONS RELATED TO PURCHASE OF SEX FROM AN UNDERAGE GIRL VERSUS AN ADULT

WATCH's study showed that there was a different treatment of defendants who violated their conditions of probation where they tried to purchase sex with an underage girl compared to those where they tried to purchase sex with an adult. Of the 24 cases involving the statute against buying sex with an adult, three defendants had violated their terms of probation but did not receive any new consequence, for example, there was no imposition of the stayed jail time from their original sentence. Of the 54 cases involving the statute against buying sex with an underage girl, four defendants had violated their terms of probation during the study period: one was charged with a new offense of Indecent Exposure; one did not complete sex offender treatment; and two had unspecified violations. In all four of those cases, judges imposed some of the stayed jail or prison time as a consequence for their violation.

APPENDIX G

SENTENCING GUIDELINES

MINNESOTA COURT RULES

1

SENTENCING GUIDELINES

4.A. Sentencing Guidelines Grid

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

		CRIMINAL HISTORY SCORE						
SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree (intentional murder; drive-by-shootings)</i>	11	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480²</i>	426 <i>363-480²</i>
<i>Murder, 3rd Degree Murder, 2nd Degree (unintentional murder)</i>	10	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Assault, 1st Degree</i>	9	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Agg. Robbery, 1st Degree; Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI; Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{2,3}</i>
<i>Assault, 2nd Degree; Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12 ¹	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12 ¹	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less) Check Forgery (\$251-\$2,500)</i>	2	12 ¹	12 ¹	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19 <i>17-22</i>

¹ 12¹=One year and one day

- Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minnesota Statutes, section 609.185. See section 2.E., for policies regarding those sentences controlled by law.
- Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C. and 2.E.

² Minnesota Statutes, section 244.09, requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2

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

4.B. Sex Offender Grid

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

SEVERITY LEVEL OF CONVICTION OFFENSE		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or More
<i>CSC 1st Degree</i>	A	144 <i>144-172</i>	156 <i>144-187</i>	168 <i>144-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360</i> ²
<i>CSC 2nd Degree-(c)(d)(e)(f)(h) Prostitution; Sex Trafficking 1st Degree-1(a)</i>	B	90 <i>90</i> ³ -108	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-300</i>	300 <i>255-300</i> ²
<i>CSC 3rd Degree-(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2nd Degree-1a</i>	C	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-180</i>	180 <i>153-180</i> ²
<i>CSC 2nd Degree-(a)(b)(g) CSC 3rd Degree-(a)(e)(f) or (b) with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)</i>	D	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4th Degree-(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography²</i>	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> ²
<i>CSC 4th Degree-(a)(b)(e)(f); CSC 5th Degree; Possession of Child Pornography (Subsequent or by Predatory Offender)</i>	F	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3rd Degree-(b) with subd. 2(2); Indecent Exposure Possession of Child Pornography; Solicit Child for Sexual Conduct²</i>	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> ²
<i>Registration Of Predatory Offenders</i>	H	12 ¹ <i>12¹-14</i>	14 <i>12¹-16</i>	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>

¹ 12¹=One year and one day

- Presumptive commitment to state imprisonment. Sex offenses under Minnesota Statutes, section 609.3455, subdivision 2, have mandatory life sentences and are excluded from the Guidelines. See section 2.E., for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.
- Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minnesota Statutes, section 609.3455, subdivision 4. See sections 2.C. and 2.E.

² Minnesota Statutes, section 244.09, requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

³ Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)

4.C. Drug Offender Grid

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or More
<i>Aggravated Controlled Substance Crime, 1st Degree</i> <i>Manufacture of Any Amt. Meth</i>	D9	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	D8	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	D7	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree</i> <i>Failure to Affix Stamp</i>	D6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	D5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	D4	12 ¹	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	D3	12 ¹	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	D2	12 ¹	12 ¹	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	D1	12 ¹	12 ¹	12 ¹	13	15	17	19 <i>17-22</i>

*Lower range may not apply. See section 2.C.3.c(1) and Minnesota Statutes, section 152.021, subdivision 3, paragraphs (c) and (d)

¹ 12¹ = One year and one day

- Presumptive commitment to state imprisonment.
- Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.