

STAGGERED SENTENCING:

***A SUCCESSFUL SENTENCING
MECHANISM
FOR REPEAT DUI OFFENDERS
(REDUCING RECIDIVISM BY 50% WHILE
CREATING COST SAVINGS IN REDUCED JAIL
TIME)***

By

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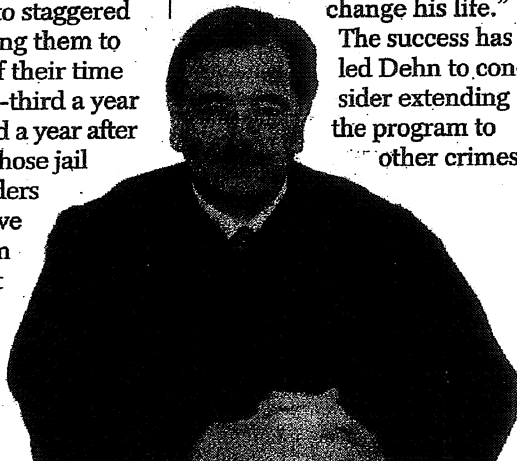
Minnesota Forms (Examples)

- Staggered Sentence Notice To Defendant (specific dates)
- Affidavit of Service
- Post Conviction Motion (specific dates)
- Order

NOTEBOOK

Jail on the Installation Plan

ARURAL MINNESOTA JUDGE, tired of seeing the same people come before him repeatedly for drunken driving, is trying something new. Isanti County District Judge James Dehn sentences some repeat drunken drivers to staggered jail terms—allowing them to serve one-third of their time immediately, one-third a year later and one-third a year after that. In between those jail stints, if the offenders can prove they have reformed, they can earn their way out of the remaining jail time. But if they get another Dehn believes in second chances



DUI infraction, it's back to jail for the full sentence.

Dehn, 52, says he has had phenomenal results. "Of about 60 people I have sentenced like this, there are only three who have gotten a new DUI over the past four years," he says. "We are empowering the drunk driver like no one else has done before to change his life."

The success has led Dehn to consider extending the program to other crimes,

such as domestic violence and drug abuse. As many as 15 other judges in Minnesota are trying staggered sentencing, in part because of the annual classes on sentencing alternatives that Dehn teaches for new judges.

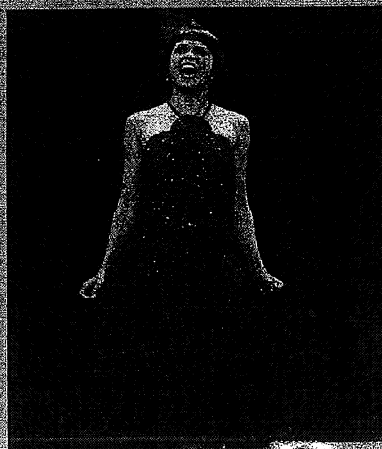
Some prosecutors, however, question the long-term effectiveness of the staggered sentence and express concern about its fairness, since the sentence is given to only some offenders. The experiment has generated so much attention that the Minnesota Sentencing Guidelines Commission plans to weigh in on the debate with a study due to be released this summer. "If it works as well as he says it does, everybody should be doing it," says Scott Swanson, executive director of the commission. "If not, we should be able to tell." —By Sarah Sturmon Dale

ISANTI COUNTY NEWS

Kid, You're Gonna Come Back a Star!

The businessmen of Broadway know one way to create a hit: hire a big Hollywood star and hope the name on the marquee will pull in the crowds. The romanticists of Broadway prefer another, more storied method: take a kid from the chorus, stick him or her into the lead role and watch as a new star is born. Sometimes this Broadway fable even comes true. Oddly, it did so twice last week.

The first instance was when Henry Goodman, the British actor named last month to replace Nathan Lane as star of the hit musical *The Producers*, was suddenly fired. Not funny enough, the (small p) producers had ruled. For the new Max Bialystock, they tapped Brad Oscar, Lane's longtime understudy in the part. Oscar won a Tony nomination in the role of Franz, the Nazi author of *Springtime for Hitler*—a role he stepped into in Chicago when the original actor was sidelined by knee



JOHN MARCHESI

What is Staggered Sentencing?

Courts that lack the financial resources or system cooperation to develop the “DWI/Drug Court Team” model with a team-oriented approach can now look to a new and innovative court-driven model called “Staggered Sentencing”. Staggered Sentencing is a proven, low-cost, Judge-driven program devised by Minnesota Judge James E. Dehn (a rural judge who sits in multiple Minnesota counties) to reduce recidivism by repeat DWI offenders. This program used by Judges in Minnesota for several years has received critical review from TIME Magazine (April 29, 2002 Notebook), recipient of the 2003 Paul H. Chapman Award from The Foundation for the Improvement of Justice, and analysis by Hamline University Law School (25 Hamline J.Pub.L.8Pol’Y). From the research conducted by The Minnesota Legislature House Research Department (see www.house.leg.state.mn.us/hrd/issinfo/crime.htm), the Minnesota legislature has welcomed its results as it has codified its practice into statutory law in 2003 (MN Stat. §169A.275).

The research shows that offenders given staggered sentences are re-arrested for DWI at only 50% (one-half) the rate that would be expected based on the recidivism rates of comparable DWI offenders sentenced by all other Minnesota courts. The program also results in 66% less incarceration time for the great majority of offenders who successfully comply with the program’s conditions of release, thereby resulting in considerable jail cost savings.

The Staggered Sentencing Model has four key aspects:

1. A Staggered Incarceration Period.

Generally, when a multiple-repeat offender is convicted of a repeat DWI and is sentenced to an executed period of incarceration, the court orders that period to begin on a given date and to run continuously until it is completed. With staggered sentencing, however, the court places the offender on probation for several years, and orders the executed period of incarceration to be served in two or more installments occurring during that period of probation. Those installments are spaced several

