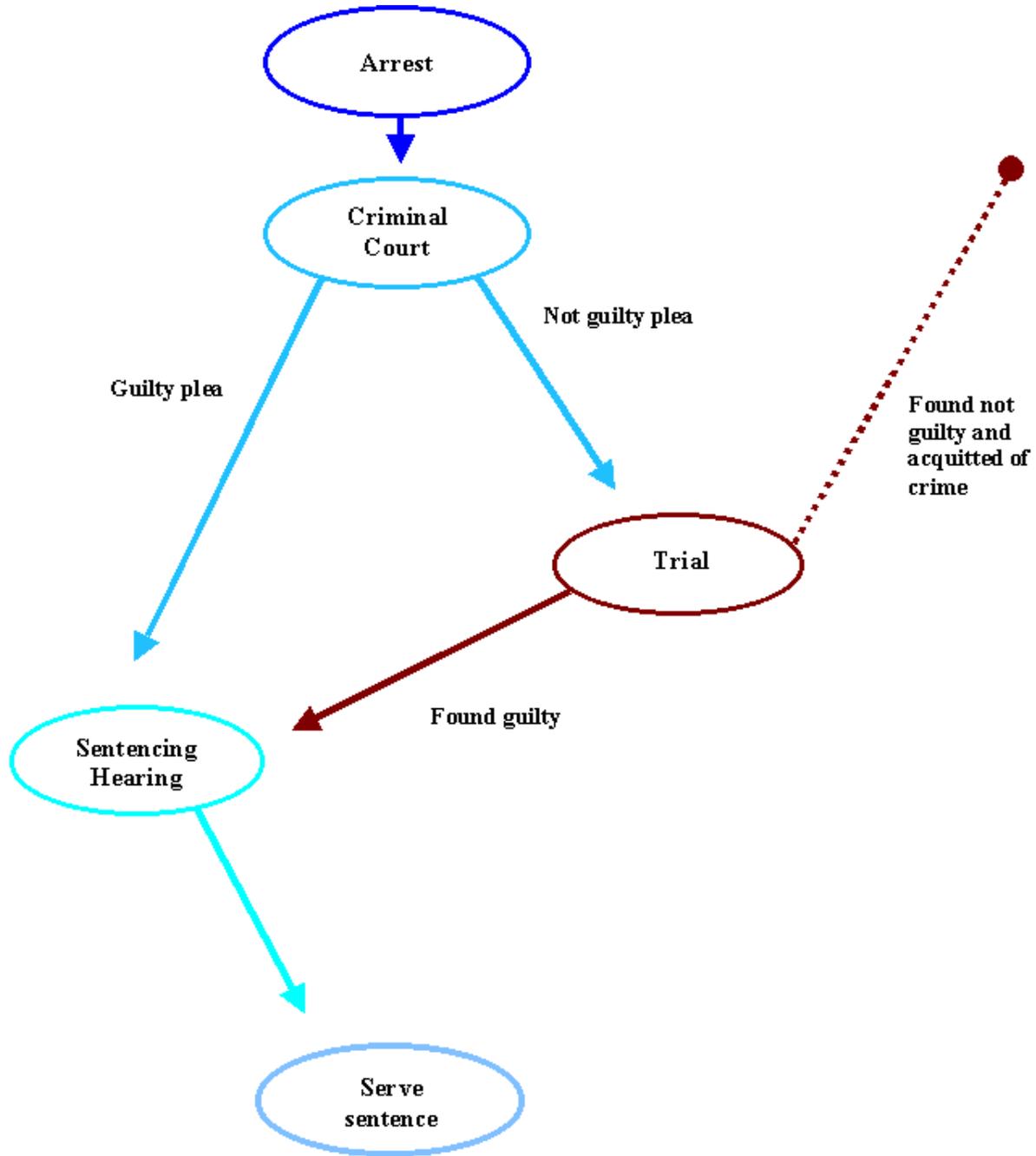


# Minnesota Criminal Justice System



This is a general overview of the steps in Minnesota's criminal justice system.

## **Age**

In Minnesota, individuals can be arrested as adults if they were age 18 or older at the time the offense occurred.

## **Arrest**

The process begins with the commission of a crime. If a police officer witnesses a crime, a suspect may be arrested at the crime scene. Police also may respond to a call or discover a crime scene at which there is no suspect to immediately arrest; in these cases, an investigation takes place. Evidence collected by the police is taken to the prosecuting attorney, who may request that a warrant be issued for the arrest of the suspect.

## **Courts**

Once the suspect is in custody, the police take the case to the prosecuting attorney. The prosecuting attorney may formally charge the suspect by filing a complaint in criminal court. The suspect is then taken before a judge for arraignment - a formal hearing in which the suspect is informed of the charges being brought against him or her. At the arraignment, the judge determines if the suspect is eligible for a public defender - if the suspect cannot afford legal representation - and, if so, the chief public defender assigns a defense attorney. The suspect then enters a plea. If the suspect pleads guilty, there is no trial and the individual is held for sentencing.

A trial occurs if the suspect pleads not guilty. The suspect may choose to have either a judge or a jury decide the case. The suspect, who is now called the defendant, may be found guilty or acquitted of the crime. If the defendant is found guilty, the individual will be held for sentencing. In Minnesota, sentencing takes place at a separate hearing following the trial.

## **Corrections**

At the sentencing hearing, the judge is solely responsible for determining the sentence. The sentence may include incarceration, probation or community service, or a combination of these.

Minnesota has developed sentencing guidelines that apply to offenders convicted of a felony - the most serious offense level for which a sentence of incarceration of more than one year may be imposed. The guidelines help judges determine appropriate sentencing for offenders. A Sentencing Guidelines Commission of the Minnesota Legislature develops the sentencing guidelines to ensure that offenders with similar crimes and criminal histories receive similar sentences. The more severe the crime and the longer the criminal history, the longer the sentence recommended by the guidelines.

Minnesota law requires that individuals convicted of murder, assault or rape are incarcerated. For certain crimes, an individual may receive a presumptive stay of sentence - a sentence the offender does not need to fulfill as long as the individual completes a separate sentence that was also issued. Judges may depart from these guidelines, but they must explain the reason for doing so in writing.