APPENDICES:

RE-PUNISHED FOR THE PAST

How Criminal Records Increase Prison Terms and Racial Injustice

THE SENTENCING PROJECT

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APPENDIX 1: METHODS

This study follows in the methodological footsteps developed by the Robina Institute to examine the impact of criminal records "on paper" (as recommended or required by sentencing guidelines) and in practice (as reflected in sentencing data).[1] We build on prior research by focusing on the impact of criminal records on sentences of 10 years or longer. These findings do not necessarily reflect the views of the sentencing commissions whose data were analyzed.

Illustrative Sentencing Grid: Maryland Person Offenses

Maryland's sentencing grid (Figure A1), for violent ("person") offenses, shows highlighted cells wherein a sentence of 10 years or more is possible as a grid recommendation.[2] The top, horizontal axis, "Offender Score," is the score assigned to the individual based on sentencing guideline methods, and represents their criminal record and other individual-level factors (e.g., supervision status at the time of the offense and past probation/parole violations). The vertical axis, "Offense Score," is the score assigned to represent the severity of the offense for which the person is being sentenced. Teal shaded cells on this axis show offense scores at which a sentence of 10 years or longer is possible. Sentencing grid data like these were used to determine the recommended impact of criminal records (see Figure 1 in the report and Table A4 in the appendices).

Figure A1. Maryland Person Offenses Sentencing Grid

	Offender Score							
Offense Score	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**7 or more**
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15Y-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	20Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25-L	28-L	30Y-L	L	L	L	L
15	25Y-L	30-L	35Y-L	L	L	L	L	L
P=Probation, M=Months, Y=Years, L=Life								

Descriptive Statistics

There were 9,076 individuals who were sentenced to 10 years or more of incarceration in Maryland, Minnesota, Pennsylvania, and Washington during the study period (2012, 2015, 2019, and 2022). They represent 8% of all incarceration sentences of at least one year imposed during the study period. The proportion of individuals who received these lengthy sentences varied across the states, from a low of 4% of all incarceration sentences of at least one year in Minnesota to a high of 20% in Maryland. Median sentence lengths for individuals who received lengthy sentences (of at least 10 years) ranged from 13 years and five months in Minnesota to 17 years and four months in Maryland.

Table A1. Descriptive Statistics

	Maryland	Minnesota	Pennsylvania	Washington
Number of people sentenced (prison, jail, probation, other)	41,699	53,249	258,426	58,076
Number of people sentenced to at least 1 year of incarceration	15,409	26,679	58,483	18,187
Number of people sentenced to 10+ years of incarceration	3,029	1,058	3,477	1,512
Median sentence length among sentences of at least 1 year of incarceration	4 years, 4 months	1 year, 9 months	1 year, 5 months	2 years
Median sentence length among sentences of at least 10 year of incarceration	17 years, 4 months	13 years, 5 months	16 years, 6 months	16 years, 2 months

Note: Sentenced individuals were primarily given prison, jail, or probation/community sanctions. A very small percentage were sentenced to diversionary programs (such as drug courts) or other unspecified alternatives. “At least one year of incarceration” includes either county jail or state prison sentences. Minnesota and Washington data include only people convicted of at least one felony offense and exclude people convicted of misdemeanors.

These individuals’ criminal record scores ranged across the scales developed in each state. The proportion of people given lengthy sentences who had some criminal record ranged from 61% in Pennsylvania to 85% in Maryland.

Table A2. Criminal Record Scores Among Individuals Sentenced to at Least One Year of Incarceration[3]

	Maryland	Minnesota	Pennsylvania	Washington
Criminal record scale	0 to 7	0 to 6	0 to 5[4]	0 to 9
Average criminal record score among sentences of at least 1 year of incarceration	3.7	2.8	2.5	5.2
Average criminal record score, among sentences of 10 years or longer	4.1	2.5	2.4	4.9
Percent with lowest criminal record score, among sentences of 10 years or longer	15%	36%	39%	20%
Percent with highest record score, among sentences of 10 years or longer	24%	19%	20%[5]	29%

Sentencing Data Calculations

To examine how criminal record scores shape prison sentences that are at least 10 years, we calculated: 1) the proportion of all lengthy sentences that is attributable to criminal records, and 2) the additional time added to sentences due to a criminal record.

Proportion of Sentence of 10 or More Years Attributable to Criminal Record

These figures were calculated by determining the average sentence at the lowest criminal record score for each offense severity level where a sentence of at least 10 years was possible. For every person with a criminal record with a sentence of at least 10 years, we then calculated the difference between their sentence and the average lowest criminal record score sentence at that offense severity level. Finally, we divided that difference by that person's sentence. This calculation can be represented by:

$$\textit{Criminal Record Proportion of Sentence}_{(\textit{Person i})} = \frac{\text{Sentence}_{\textit{Person i}} - \textit{Average Sentence}_{\textit{Lowest CR}}}{\textit{Sentence}_{\textit{Person i}}}$$

$\textit{Criminal Record Proportion of Sentence}_{(\textit{Person i})}$	Percent of sentence due to a person's criminal record
$\textit{Sentence}_{(\textit{Person i})}$	Sentence length of a person with a criminal record
$\textit{Average Sentence}_{\textit{Lowest CR}}$	Average sentence at the lowest criminal record score for this offense severity

Tables 1 and 2 present, for each state, the average of all of the calculated individual proportions.

For example: A particular offense severity level resulted in an average sentence of eight years for a person with no criminal record. The same offense severity level resulted in a 12-year sentence for a person with a criminal record. To calculate the proportion of a 10 years or longer sentence that is attributable to their criminal record, we subtracted the average lowest criminal record sentence (eight years) from their sentence (12 years): 12-8=4. Four years, or 33% (4/12=0.33), of that person's sentence is attributable to their criminal record.

Additional Sentence Length Due to Criminal Record

To calculate the time added to a prison sentence due to a criminal record, we first calculated average sentence lengths for individuals with no prior record who were convicted at each severity level that could result in a sentence of 10 years or more. For each person with a criminal record and a lengthy sentence, we calculated the difference between their sentence and the average sentence for someone with no record at the corresponding severity level. The values presented in Tables 3 and 4 are the median values of all calculated added sentence lengths.

Impact of Criminal Records on Racial Disparities

For both white and African American individuals with lengthy sentences, we calculated averages for the offense severity scores, criminal record scores, and sentence lengths. Using the white racial group as the comparison group, we divided the averages for African American individuals by the corresponding average for white individuals (e.g., [average African American offense severity score] / [average white offense severity score]). This gave the ratio of average sentencing data of African Americans relative to whites presented in Table 5.

Latino Disparities

We performed the same analysis for Latino and white racial disparities. Results are presented in Table A3 below. We find that for all states other than Minnesota, Latinos had offense severity scores that were slightly higher than those of whites. For all states other than Pennsylvania, Latinos had criminal record scores significantly lower than whites. For all states other than Pennsylvania, Latinos had sentences that were slightly to significantly longer than those of whites. These findings are not presented in the main report due to the limited sample size of Latinos.[6] Further, criminal justice data are shown to sometimes misclassify Latino individuals as white, which affects measures of racial and ethnic disparities.[7]

Table A3. Latino Sentencing Trends Relative to Whites, for Individuals Sentenced to 10 or More Years

State	Offense Severity Score: Latino to White Ratio	Criminal Record Score: Latino to White Ratio	Difference in Latino to White Average Sentence Length
Maryland	1.15:1	0.45:1	+ 4 years, 7 months
Minnesota	1.01:1	0.66:1	+ 2 years, 5 months
Pennsylvania	1.09:1	1.05:1	- 3 years, 7 months
Washington	1.10:1	0.71:1	+ 4 years, 7 months

Limitations

There are limitations to this analysis that should be considered when interpreting the findings:

- *Other "enhancements"*: Convictions may include other sentencing "enhancements"[8] due to certain circumstances, including but not limited to: crimes that take place in protected places (such as school zones), weapon or firearm use, quantities or types of drugs, victim characteristics (e.g., youth or law enforcement officer), and hate or bias motivated crimes.[9] Such "enhancements" may overrule sentencing grids and lengthen sentences. Our analysis does not capture these effects. This information was not consistently available within the dataset, but available data suggests that the effect of these "enhancements" on our findings would be minimal. For example, fewer than 1% of all people convicted in Pennsylvania in the study years had one or more sentence "enhancements."

- *Mandatory minimums*: Some offenses may carry mandatory minimum sentences that overrule sentencing grids. Information on mandatory minimums was not consistently available in our dataset. We excluded mandatory life sentences for several very serious offenses, as described below. We did not consider the impact of other mandatory minimum sentences and included these sentences without differentiating them from other sentence types. The effect of mandatory minimums on our analysis is likely small; for example, fewer than 3.5% of all people with a lengthy sentence in Maryland were convicted of an offense with a mandatory minimum sentence.

- *Criminal record statutes:* Some statutes allow for the incorporation of criminal records in charging. For example, in Minnesota the presence of two or more domestic assault incidents within 10 years can lead to a charge being elevated to a felony,[10] and in Pennsylvania, retail theft charges may be graded differently based on the presence of past retail theft convictions.[11] Our analysis did not account for convictions that were affected by prior records other than criminal record scores. This omission, however, does not detract from our conclusions; if anything, prior criminal records may have increased the severity of sentencing even more than was captured by our analysis.

- *Sentence lengths vs. time served*: In this report, our focus is on the length of sentences given to people convicted of a crime rather than the amount of time they spend incarcerated, which may be affected by parole, early release, time served, and other factors not available in the data used to create this report.[12] Similarly, within the data used to create this report, some sentences (or portions of sentences) were suspended, or "not served unless the offender violate[d] probation or another condition of release."[13] Given that our focus is on sentence lengths, rather than how much time a person might spend incarcerated, we did not differentiate between suspended and executed (served) sentences.[14] We consider suspended sentences to constitute a serious sanction whether the sentence is executed or not. Further, a significant number of individuals are incarcerated because of probation violations,[15] suggesting that many suspended sentences are ultimately served to some degree.

- *Multiple offense convictions and time added due to criminal records*: When calculating the median time added to sentences due to criminal record, and criminal record multipliers in Appendix 2, we included only people who were convicted of a single offense. We did this because our available data did not consistently differentiate between sentence lengths for single or multiple offenses, or concurrent/consecutive sentences. While this allowed us to examine the effect of a criminal record on sentence length with greater accuracy, this also removed a number of individuals from the analysis, some of whom may be most impacted by criminal records.[16]

- *Aggravated/mitigating factors and departures*: State sentencing grids allow for aggravating and mitigating factors which can lengthen or shorten sentences, respectively. Our analysis did not differentiate between standard, aggravated, and mitigated sentences. Further, judges may depart from grid recommendations in a limited set of circumstances, although judges typically stayed within standard guideline recommendations within the data used in this report. For example, in Maryland, judges' decisions were within guideline recommendations in almost 80% of cases, and were over three times as likely to sentence *below* guidelines compared to *above.* In Pennsylvania, judges were about 1.5 times as likely to sentence below guidelines compared to above. Our analysis did not differentiate between departures and sentences within grid ranges.

- *State comparisons*: States can differ greatly in their guidelines, grids, statutes, and other sentencing practices,[17] which hinders the making of direct comparisons in our analysis. First, grid sentence lengths in one state are not perfectly comparable to sentence lengths in another state's grid. For example, Pennsylvania and Maryland grids provide minimum sentence lengths compared to fixed-length sentences in Minnesota and Washington. Sentence lengths within the sentencing data also vary between states. For example, in Pennsylvania, sentence length represents the average sentence that a person receives according to the minimum and maximum sentence set by judges, and parole boards decide how long they will serve. In Minnesota, the state does not have parole, but most people are eligible for supervised release after serving two-thirds of their sentence.[18] Other differences between states make interstate comparisons difficult. Therefore, this report is best used to consider how criminal record affects sentence lengths within each state, rather than comparing state systems to each other.

- *Other factors:* Our analysis does not account for factors other than offense severity and criminal record that may affect sentence lengths. We do not differentiate between sentences received due to plea agreements and those given at trial, although a large body of research has found that individuals who are convicted at trial receive longer sentences compared to those who reach plea agreements.[19] Sentences may also be reduced when defendants cooperate with prosecutors.[20] Further, research has found that individuals who are detained pretrial are more likely to be convicted and receive longer sentences.[21] Information on these factors was not consistently available within the data, and their effects are not included in analysis.

Additional Notes on Life Sentences

Researchers have not reached consensus on a numeric value to represent the length of a life sentence, and these sentences are often excluded from analyses where a numeric value is required. Following the lead of the Bureau of Justice Statistics, we used a value of 100 years to present the numeric length of a life sentence whenever a life sentence was present in the sentencing data.[22] Further, we re-coded sentences exceeding 100 years as 100-year sentences. We believe that a sentence length exceeding a life sentence is, in essence, a functional life sentence, and should be numerically represented as such in our analyses.

The numeric impact of using 100 years on the analyses provided in this report is fairly small, as the number of imposed life sentences is far overshadowed by other prison terms.[23] We did not include people with offense-based mandatory life sentences when examining the impact of criminal records on sentence lengths. Sentencing manuals for the states in this report explicitly distinguish certain offenses holding mandatory life sentences that are not included on sentencing grids. These offenses are: first-degree murder for all states, second-degree murder in Pennsylvania, and several crimes of a sexual nature in Minnesota.[24] These mandatory life sentences (with

or without the possibility of parole, contingent on state statute) do not take the person's criminal record into account when sentencing.

Detailed Jurisdiction Notes

Maryland

Data were provided by the Maryland State Commission on Criminal Sentencing Policy upon request. The file contained 58,541 observations across 2012, 2015, 2019, and 2022, with each observation representing an offense tied to a person. We eliminated duplicate individuals, only keeping observations with an individual's highest offense severity score, resulting in removal of 16,836 observations. Maryland data used distinct severity scales for person/violent offenses and drug/property/disorder offenses. We re-coded offense severity scores for drug/property/disorder offenses on a linear scale of one to nine to allow for comparison to person offense severity scores. As Maryland provides a minimum and maximum sentence length, rather than a fixed length, we used the average of the minimum and maximum to represent the sentence length.

Minnesota

Data were provided by the Minnesota Sentencing Guidelines Commission upon request. The file contained 65,564 observations from 2012, 2015, 2019, and 2022. We kept only the most serious sentence for each person across the years; this removed 12,315 observations.

Pennsylvania

Data were provided by the Pennsylvania Commission on Sentencing upon request. The files contained 545,320 observations across 2012, 2015, 2019, and 2022, with each observation representing an offense tied to a unique person, for each of whom we kept only the offense with the highest severity score. This resulted in the removal of 286,892 observations. As Pennsylvania provides a minimum and maximum sentence length, rather than a fixed length, we used the average of those figures to represent the sentence length. Additionally, the versions of Pennsylvania's grid used in this report included a "repeat violent offender category (REVOC)" and "repeat felon (RFEL)" criminal record category that are included on the grid, but distinct from the linear criminal record categories of 0-5. When using sentencing data from Pennsylvania, we considered anyone with a criminal record score of REVOC or RFEL to be in the non-zero criminal record group. When examining racial disparities (Table 5), we assigned RFEL a score of 6 and REVOC a score of 7. There were 7,670 people in the RFEL group (3%) and only 115 people in the REVOC group (less than 0.05%) in the study years. In the group of people with sentences of 10 years or longer, there were 367 people in the RFEL group (10.6%) and 51 people in the REVOC group (1.5%). We performed sensitivity analyses on this group. When replacing RFEL and REVOC scores with "5" to represent the highest numerical value, the Pennsylvania offense severity score African American/white ratio in Table 5 changes from 1.46:1 to 1.45:1. When dropping these categories entirely, the ratio changes to 1.53:1.[25]

Washington

Data were provided by the Washington Caseload Forecast Council upon request. Sentence information and offense information were stored in two discrete files and were joined by matching sentence data to individual offense data based on a unique person identifier common to both files. Only an individual's most serious offense was retained in analysis. This resulted in a dataset with 58,076 unique individuals sentenced in fiscal years 2012, 2015, 2019, and 2022. People convicted of attempted offenses were sentenced on a different set of grids, and we removed those 2,044 people from analysis for the sake of simplicity.

APPENDIX 2: CRIMINAL RECORD MULTIPLIERS

For comparability with the Robina Institute's analysis, this section presents the sentencing impact of criminal records calculated as multipliers, rather than as absolute values.[26]

Main Sentencing Grids: Criminal Record Multipliers "on Paper"

Using each state's main sentencing grids, we examined how much longer *recommended* sentences would be for people with the highest criminal record score compared to those with no criminal record. To do this, for each offense severity level where a 10-year sentence was possible, we divided the recommended average sentence in the highest criminal record score by the recommended average sentence in the lowest criminal record score. The final criminal record multiplier for each state is the average of all multipliers at each offense severity level.

This analysis reveals that while all of the states in our analysis prescribe longer sentences due to criminal record, in two of the four states, Maryland and Washington, the impact of criminal record on length of sentences is far greater than in the other two states.

This analysis also shows that criminal record multipliers for sentences of 10 years or longer are smaller compared to multipliers that incorporate the full range of potential sentence lengths, as in the Robina Institute's analysis.[29] For the states examined in this report, the Robina Institute found that depending on the jurisdiction, main sentencing grids recommended that people with the most extensive criminal records receive sentences that are between nearly 4.7 (Minnesota) and 9.8 (Washington) times as long as those with no criminal records for offenses of the same severity.[30]

Grid Structure and Sentence Multipliers:

While these multipliers represent the impact of a criminal record on sentences of at least 10 years, they are also affected by the sentence recommendation for people at the lowest level of criminal record. As the Robina Institute noted, "reducing the recommended sentence for offenders in the lowest criminal record category will increase the multiplier for that offense level."[28]

Table A4. Recommended Criminal Record Multipliers for Sentence Lengths of 10 Years or Longer: Main Sentencing Grids

	Maryland	Minnesota	Pennsylvania[27]	Washington
Criminal Record Multiplier	3.9	1.8	2.2	3.0

This does not mean that a criminal record has a lesser effect on individuals with long sentences; this reflects the fact that, for sentences carrying a potential sentence of 10 years or longer, the sentence imposed on someone with no criminal record starts at a considerable length–at least 10 years. For example, in Maryland,[31] a person sentenced at the highest offense severity level and no criminal record is recommended an average sentence of seven years and six months; if they were sentenced at the same severity level and the highest criminal record score, they would be recommended an average sentence of 25 years, or 3.3 times as long. Compare this to a person sentenced at severity level two (far less severe) and no criminal record, with an average recommended sentence of about three months; if that person were sentenced at severity level two but the highest criminal record, their average sentence would be 5.5 years, or 22 times as long. While multipliers are often much more striking at lower severity levels compared to higher levels, their values should be considered in the context of the effect they have on the time a person spends incarcerated.

Sentencing Data: Criminal Record Multipliers in Practice

To determine the criminal record multiplier with sentencing data, we calculated the average sentence lengths for people with no criminal record who were convicted at each severity level recommending a possible sentence of 10+ years. We then compared that average to the sentences of people with a criminal record who were convicted at the same offense severity level. For each person with a criminal record, we calculated the ratio of their sentence length to the average sentence length in their severity level for a person with no criminal record.[32] The final criminal record multiplier for each state is the average of all of these ratios.[33]

Using sentencing data representing actual numbers of people and lengths of sentences to calculate the criminal record multiplier–rather than using the "on paper" guidelines as represented by sentencing grids–results in a higher figure in Maryland and lower ones in the other states. This variation reflects, in part, where people actually land on the sentencing grid in terms of their offense severity and criminal record, whereas the previous calculation assumed an equal distribution across offense severity levels, and calculated the maximum criminal record impact at each level.

Table A5. Criminal Record Multipliers for Sentence Lengths Reaching 10 Years or Longer: Sentencing Data, Main Grid

	Maryland (n=14,861)	**Minnesota** (n=2,433)	**Pennsylvania** (n=4,285)	**Washington** (n=1,629)
Criminal Record Multiplier, Median	4.8	1.6	2.0	1.9

Table A6. Criminal Record Multipliers for Sentence Lengths Reaching 10 Years or Longer: Sentencing Data, Specialized Grids

	Minnesota Drug Crimes (n=886)	**Minnesota Crimes of a Sexual Nature** (n=1,510)	**Maryland Drug Crimes** (n=7,714)	**Maryland Property Crimes** (n=4,065)
Criminal Record Multiplier, Median	2.3	1.6	35.9	18.1

When examining sentencing data related to specialized grids, the multipliers for both of Minnesota's specialized grids (drug crimes and crimes of a sexual nature) are comparable to that of the main grid. For Maryland, however, the multipliers are much larger for specialized grids (drug crimes and property crimes) compared to the main grid. While a criminal record can greatly lengthen sentences for these types of crimes, the large multipliers represent not only the punitive impact of an extensive criminal record, but also the fact that grids recommend lower sentences for people with no criminal record.

Link to report

Click here to view the full report.

ENDNOTES

[1] Frase, R. S., Roberts, J. V., Hester, R., & Mitchell, K. L. (2015). *Criminal history enhancements sourcebook*. Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School, p. 19.

[2] See also: Maryland State Commission on Criminal Sentencing Policy. (n.d.). *Guidelines scoring matrices*. Retrieved January 13th, 2026, from https://msccsp.org/guidelines/matrices/; Minnesota Sentencing Guidelines Commission. (n.d.). *Guidelines commentary*. Retrieved January 13th, 2026, from https://mn.gov/sentencing-guidelines/abouttheguidelines/guidelinescommentary/; Pennsylvania Commission on Sentencing. (n.d.). *Sentencing*. Retrieved from January 13th, 2026, from https://pcs.la.psu.edu/guidelines-statutes/sentencing/; State of Washington Caseload Forecast Council. (2024). *Washington state adult sentencing guidelines manual (version 20241108)*. State of Washington.

[3] The figures presented in this table include people with mandatory life minimum sentences.

[4] Pennsylvania also includes a repeat felon category (RFEL) and repeat violent offender category (REVOC) that are included on the sentencing grid and carry longer sentences. The figures in Table A2 do not include these categories, as they are somewhat distinct from the numeral 0-5 categories on the main grid. For detail on how these categories are calculated, see Pennsylvania Commission on Sentencing. (n.d.). *Sentencing*. Retrieved January 13th, 2026, from https://pcs.la.psu.edu/guidelines-statutes/sentencing/.

[5] 20% of people with at least a 10 year sentence were in the "5" category in Pennsylvania. An additional 11% were in the "RFEL" category, and under 2% were in the "REVOC" category.

[6] For people sentenced on the main grid to at least 10 years during the study period, there were 147 Latinos in Maryland (6.6%), 34 in Minnesota (7.2%), 84 in Pennsylvania (2.4%), and 117 in Washington (7.9%). Across all four states, there were 382 Latinos sentenced on the main grid–less than 5% of all people sentenced on this grid to at least 10 years. During the study period, Latinos' share of state populations were 13% in Maryland, 7% in Minnesota, 9% in Pennsylvania, and 15% in Washington.

[7] Lawrence, D., Peterson, B., White, M., Cunningham, B., & Colden, J. (2023). Girvan, E. J., & Marek, H. (2023). The eye of the beholder: Increased likelihood of prison sentences for people perceived to have Hispanic ethnicity. *Law and Human Behavior, 47*(1), 182–200. https://doi.org/10.1037/lhb0000509; Laniyonu, A., & Donahue, S. T. (2023). Effect of racial misclassification in police data on estimates of racial disparities. *Criminology, 61*, 295–315. https://doi.org/10.1111/1745-9125.12329; Jordan, K. L., & Freiburger, T. L. (2009). Examining the Impact of Race and Ethnicity on the Sentencing of Juveniles in the Adult Court. *Criminal Justice Policy Review*, *21*(2), 185-201. https://doi.org/10.1177/0887403409354738

[8] "Enhancements" are *increases* in the severity and duration of sentences (i.e., making imprisonment more likely than community supervision, and increasing the length of incarceration). We present the term in quotation marks to create distance from the other definition of "enhancement:" an *improvement.*

[9] Strange, C., Cochran, J., Wooldredge, J., & Feldmeyer, B. (2021). Sentencing Add-Ons and Implications for Disparities in a Guidelines State. *Crime & Delinquency, 68*(9), 1538-1578. https://doi.org/10.1177/00111287211047539

[10] MN Statutes § 609.2242, subd. 4.

[11] PA Statutes § 39.29(b), (b.1).

[12] Solomon, A. L., Kachnowski, V., & Bhati, A. (2005). *Does parole work?* Urban Institute, Justice Policy Center.

[13] Maryland State Commission on Criminal Sentencing Policy. (2025). *Maryland sentencing guidelines manual: Version 17.1*. Maryland State Commission on Sentencing Policy. (p. 28).

[14] On racial disparities in sentence suspensions, *see* Petersen, K., Johnson, B. D., Redlich, A. D., & Galvin, M. A. (2025). The hidden discount: Examining racial disparity in the use of suspended sentences. *Criminology.* https://doi.org/10.1111/1745-9125.70035.

[15] The Council of State Governments Justice Center. (2019, June 18). *Confined and Costly: How supervision violations are filling prisons and burdening budgets*. The Council of State Governments Justice Center.

[16] Hester, R., Frase, R. S., Roberts, J. V., & Mitchell, K. L. (2018). Prior record enhancements at sentencing: Unsettled justifications and unsettling consequences. *Crime and Justice*, *47*(1), 209-254.

[17] Frase, R. (2005). State sentencing guidelines: Diversity, consensus, and unresolved policy issues. *Columbia Law Review*, *105*, 1190-1232.

[18] Minnesota Statutes § 244.05.

[19] Ulmer, J., Eisenstein, J., & Johnson, B. (2010). Trial penalties in federal sentencing: extra-guidelines factors and district variation. *Justice Quarterly*, *27*(4), 560-592. https://doi.org/10.1080/07418820902998063; Johnson, B. (2018). Plea-trial differences in federal punishment: Research and policy implications. *Federal Sentence Reporter*, *31*, 256-264. https://doi.org/10.1525/fsr.2019.31.4-5.256.

[20] Roth, J., Vaynman, A., & Penrod, S. (2022). Why criminal defendants cooperate: The defense attorney's perspective. *Northwestern University Law Review*, *117*, 1351-1426.

[21] St. Louis, S. (2024). The pretrial detention penalty: A systematic review and meta-analysis of pretrial detention and case outcomes. *Justice Quarterly*, *41*(3), 347-370. https://doi.org/10.1080/07418825.2023.2193624; Digard, L., & Swavola, E. (2019). *Justice denied: The harmful and lasting effects of pretrial detention*. Vera Institute of Justice.

[22] Given that sentence lengths often far exceed time served (roughly half of sentence lengths are served by those released from prison), we believe 100 years is a figure that qualitatively captures the impact of sentencing an individual to spend the entirety of the remainder of their life incarcerated while also providing a reasonable quantitative measure that is related to expected time served. See: Kaeble, D. (2021). *Time served in state prison, 2018*. Bureau of Justice Statistics.

[23] In the study years, we found 376 life sentences in Maryland (of which 123 were offense-based and 39 were functional life sentences), 36 in Minnesota (35 were offense-based), 390 in Pennsylvania (76 were offense-based and 12 were functional life sentences) and 160 in Washington (130 were offense-based and 2 were functional life sentences). These represent 2.4% (Maryland), 0.1% (Minnesota), 0.7% (Pennsylvania), and 0.3% (Washington) of all sentences of at least 1 year of incarceration for each state.

[24] MN Statutes § 609.3455.

[25] For detail on Pennsylvania criminal record categories, see Pennsylvania Commission on Sentencing. (n.d.). *Sentencing guidelines*. Retrieved January 13th, 2026, from https://pcs.la.psu.edu/guidelines-statutes/sentencing/.

[26] Frase, R. S., Roberts, J. V., Hester, R., & Mitchell, K. L. (2015). *Criminal history enhancements sourcebook*. Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School.

[27] We use the "RFEL" category as the highest criminal record category in this analysis.

[28] Frase, R. S., Roberts, J. V., Hester, R., & Mitchell, K. L. (2015). *Criminal history enhancements sourcebook*. Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School

[29] Frase, R. S., Roberts, J. V., Hester, R., & Mitchell, K. L. (2015). *Criminal history enhancements sourcebook*. Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School.

[30] The value for Pennsylvania was found to be 7.7. Maryland was not included in this portion of the Robina Institute analysis. The Robina Institute also finds significant variation in the proportions of sentencing grids that recommend imprisonment, where it would not have done so if not for the criminal record score.

[31] Maryland State Commission on Criminal Sentencing Policy. (2025). *Maryland Sentencing Guidelines Manual: Version 17.1*. Maryland State Commission on Criminal Sentencing Policy.

[32] For example, in Minnesota, the average sentence was 39.7 months for all people convicted of a severity level eight offense with a criminal record score of 0. For the same offense level (eight), a person with a criminal record score of six was sentenced to 129 months. The ratio of their sentence (129 months) to the average sentence (39.7 months) at that severity level without a criminal record is 3.3:1 (129:39.7).

[33] The median value was used in this analysis to account for a small number of people who had atypically larger multipliers that, in some cases, resulted in an average multiplier that is not a representation of the "typical" sentence length multiplier.

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