

**Minnesota Sentencing Guidelines Commission**  
**Approved Meeting Minutes**  
**October 28, 2015**

The Minnesota Sentencing Guidelines Commission (MSGC) meeting was held on October 28, 2015, in Room 225, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Commission members present were Chair Justice Christopher Dietzen, Angela Champagne-From, Sergeant Paul Ford, Judge Caroline Lennon, Cathryn Middlebrook, Commissioner of Corrections Tom Roy, Judge Heidi Schellhas, Yamy Vang, and Senior Judge Mark Wernick. Jeff Edblad was absent. MSGC staff members present were Executive Director Nate Reitz, and staff members Kathleen Madland, Anne Wall, and Jill Payne. Assistant Attorney General Jim Early was present.

Members of the public present were Rachel English, David Itzkowitz, Nancy Klausner, and Rebecca Skoler, Jewish Community Action; Josh Esmay and Nadine Graves, Council on Crime and Justice; Mark Haase, Minn. Association of Criminal Defense Lawyers; Emily Lefholz, Senate Judiciary Committee Administrator; Catalina Marals, Paul Marincel, Lars Negstad, and Paul Washington, ISAIAH; Lisa Netzer, Minn. Department of Corrections; Ben Schweigest, Hennepin County Attorney's Office; Prof. Julian Roberts, Sentencing Council of England and Wales; and Robert Small, Minn. County Attorneys Association.

**1. Call to Order**

The Chair called the meeting to order at 2:00 p.m.

**2. Approval of Agenda**

This was on the agenda as an action item.

**Motion** by Sgt. Ford and second by Ms. Vang to approve the meeting agenda.

**Motion carried.**

**3. Approval of Meeting Minutes**

This was on the agenda as an action item.

**Motion** by Judge Schellhas and second by Ms. Middlebrook to approve the meeting minutes from September 23, 2015.

**Motion carried.**

#### 4. Approve Draft Consecutive Supervised Release Policy

This was on the agenda as a possible action item.

At its September meeting, the Commission made a motion directing staff to draft proposed consecutive supervised release language. The Chair called on the Executive Director, who presented draft proposed language that would amend Minnesota Sentencing Guidelines §§ 1.B.3, 2.F, 2.F.1.a(1), 2.F.1.a(2), 2.F.2.a, and 2.F.2.a(1); add new §§ 2.F.1.b, 2.F.1.e, and 2.F.2.b; renumber the existing §§ 2.F.1.b, 2.F.1.c, 2.F.1.d, and 2.F.1.e; amend comments 2.F.02, 2.F.103, 2.F.104, and 2.F.203; and add new comments 2.F.03 and 2.F.04.

**Motion** by Judge Schellhas and second by Sgt. Ford to approve the proposed language for public hearing.

In the course of the ensuing discussion, Ms. Middlebrook offered a **motion** to amend the proposed language by deleting the last proposed paragraph in section 2.F. and the proposed new comment 2.F.04. Ms. Middlebrook's motion was not seconded and was ruled out of order. Discussion continued.

Judge Schellhas' **motion carried**, with Ms. Middlebrook opposed.

The Chair directed MSGC staff to closely review the proposed modifications to the Guidelines before the public hearing notice is published.

#### 5. Controlled Substance Crimes

This was on the agenda as a discussion item. At the September meeting, the Chair invited members to forward drug sentencing reform proposals to the Executive Director for presentation.

The following members offered policy submissions: Mr. Edblad, Judge Lennon, Judge Schellhas, Judge Wernick, and Chair Dietzen.

The Chair called on each of these members to present his or her submission to the Commission. Sgt. Ford presented on behalf of Mr. Edblad.

The Commission discussed each proposal.

The Chair requested that each proposal be summarized in one or two sentences by its author and submitted to the Executive Director by the end of the business day, November 10, 2015, for possible action on November 18, 2015.

## 6. Public Hearing Timeline (If Necessary)

This was on the agenda as a possible action item.

The Commission reviewed public hearing dates. The Commission will hold a public hearing on Wednesday, December 23, 2015. A follow-up meeting will be held on Wednesday, December 30, 2015, to close the public comment period and adopt or reject policy proposals and approve the 2016 Report to the Legislature.

## 7. Director's Report

Director Reitz reported that he attended the Robina Institute's Criminal History Enhancements Sourcebook conference on October 20, 2015, at which he learned that the Robina Institute was in the process of gathering data in order to conduct a study of the criminal history components of the Minnesota Sentencing Guidelines.

Mr. Reitz reported on his October 21, 2015, presentation to the Prison Population Taskforce, co-chaired by Senator Latz and Representative Cornish. The presentation discussed how the Commission affects prison population; mandatory minimums and Guidelines departures; probation violations; racial disparity in the prison population; and drug prisoner profiles. At the taskforce meeting, Representative Cornish had requested the Commission's guidance on what should be done to solve the prison population problem, if such a problem exists, at the conclusion of the taskforce's work.

## 8. Public Input

The Chair recognized members of the public and asked if anyone wished to speak before the Commission.

Paul Washington, a Community Organizer with ISIAAH, spoke about health and social disparity issues. He told of how addiction and incarceration had affected his own family. Mr. Washington stated that persons of faith should not stand by idly. He thanked the Commission for the opportunity to speak.

The Chair thanked Mr. Washington for his comments.

## 9. Adjournment

**Motion** to adjourn by Ms. Vang and second by Judge Lennon.

**Motion carried.**

The meeting adjourned at 4:17 p.m.