

## **Aiding and Abetting Felony Murder Task Force**

Wednesday, January 5, 2022

10:00 am – 12:00 pm

Via Webex

**Members Present (10 of 12):** Gregory Egan (chair), KiloMarie Granda (vice-chair), Nick Kimball, William Ward, Nate Reitz, Toni Cater, Clare Diegel, Kathleen Keena, Kenneth Sass, Perry Moriearty, Pat McDermott

**Staff/Contractor:** Amy Lauricella (DOC), Tavia Osgood (DOC), Julie Atella (Wilder, Research Scientist, contractor supporting report writing), Lindsay Turner (Wilder)

### **Minutes**

- I. Approval of Dec. 15 minutes**
  - a. Motion carried
  
- II. Subcommittee Reports**
  - a. Data
    - i. Nothing new to report
  - b. Statute/Case Law
    - i. Nothing new to report
  - c. Community Outreach
    - i. Stillwater listening event Jan 10<sup>th</sup> from 1-2:30pm (30 minute intervals from 3 individuals)
  
- III. Wilder Consultants' Report**
  - a. Impact section discussion
    - i. Missing the racial/geographic/age disparities that has been discussed – *add the disparities references under the charging and sentencing categories and add a separate heading focusing on equity*
    - ii. Geographic groupings are metro and rural – Seem to group Hennepin and Ramsey together in narrative sections which, while urban/metro, do tend to treat these cases differently – *request to separate them out where possible to show distinctions and in the interests of transparency*
    - iii. Consider adding line about benefits (tool for accountability at some levels) when the report so clearly highlights the adverse negative impacts

- iv. Consider adding informational piece on fiscal impact to the state when incarcerating individuals who did not actively commit murder (roughly \$40k per year per person?) – *nest as a subsection to the adverse impact areas*
- b. Recommendations section discussion
  - i. Desire to focus on responsible use of public resources when considering large prison sentences for individuals whose actions are significantly removed from the danger to public safety (taking of life)
  - ii. Depending on the final recommendations, prosecutors may wish to refrain from supporting them
  - iii. Retroactivity, in particular, is a big shift, but there is a successful model in CA
  - iv. Consider redirecting legislature to focus on accountability for predicate felonies
  - v. Recommendations could note that this framework is not being used to hold people responsible for the actions they do commit
  - vi. Victim impact was very difficult to come by and is important for this report
    - 1. Testimony from Minnesota Alliance on Crime rep is helpful in this regard and there was broad support from MAC for retroactive reform
  - vii. Restorative justice done successfully is so difficult to come by when it comes to violent crime – *likely don't want to cover this much in the report but could note that victims and victims' families are not monolithic and want different outcomes than prison or maximum sentences for every connected party*
- c. Background section discussion
  - i. Broad support
  - ii. Highlight the statutes up front in specificity, including the enabling legislation itself
  - iii. Consider including more history about the doctrine
- d. State Comparison section discussion
  - i. Carved out abandonment doctrine as it exists in MN, but haven't seen this taken into account or used – *may be helpful to note if this is ever showing up in Minnesota cases as it may not be a meaningful category of distinction; prosecutors may also choose not to charge if there is evidence of abandonment*
  - ii. Timeline is really helpful
- e. Data / Who is Punished section discussion
  - i. Really powerful – *may want to consider adding lens of overall population demographics at the time*
  - ii. Remove reference to prosecutors rather than county level government
- f. Perspectives section
  - i. Think carefully about how we communicate public defender role when they, oftentimes, have the most expertise in this area compared to private attorneys – this detracts from the issue
  - ii. Change participant labels to pseudonyms

**IV. Male inmate listening session update (01/10/22, 1 p.m. – 2:30 p.m.)**



V. **Adjournment**

**Next meeting: Wednesday, January 19, 2022 10:00am – 12:00pm**