

Approved Meeting Minutes

May 10, 2018

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on May 10, 2018, in the Centennial Office Building, Lady Slipper Conference Room, 658 Cedar St., St. Paul, MN 55155.

Present were Commission Chair Justice (Ret.) Christopher Dietzen, Vice-Chair Judge Heidi Schellhas, and Commission members Valerie Estrada, Cathryn Middlebrook, Sergeant Salim Omari, Peter Orput, Commissioner of Corrections Tom Roy, Yamy Vang, and Senior Judge Mark Wernick.

Also present were MSGC Executive Director Nate Reitz and MSGC staff members Nicole Jasperson, Jill Payne and Anne Wall.

Members of the public present were Richard Frase, University of Minnesota Law School; Kelly Mitchell and Julia Laskorunsky, Robina Institute; Lisa Netzer, Minn. Department of Corrections; Lars Negstad, ISIAH MN; and Robert Small, Executive Director of the Minn. County Attorneys Association.

1. Call to Order

Chair Dietzen called the meeting to order at 1:30 p.m.

2. Approval of Agenda

This was on the agenda as an action item.

Motion by Ms. Middlebrook and second by Ms. Vang to approve the meeting agenda.

Motion carried unanimously.

3. Approval of Draft Meeting Minutes

This was on the agenda as an action item.

Motion by Ms. Vang and second by Sgt. Omari to approve the meeting minutes from April 12, 2018.

Motion carried unanimously.

4. Robina Institute Recidivism Study – Update

This was on the agenda as a presentation and discussion item.

Chair Dietzen welcomed guests Richard Frase from the University of Minnesota Law School; and Kelly Mitchell and Julia Laskorunsky from the Robina Institute. Dr. Laskorunsky, a research fellow at Robina, began by summarizing Robina's Phase 1 findings, which she presented to the Commission on December 14, 2017. Dr. Laskorunsky stated that Minnesota's criminal history score predicts reconvictions moderately well. Dr. Laskorunsky then presented Phase 2 findings ("The Predictive Validity of the Minnesota Sentencing Guideline's Criminal History Score, Phase II"), which focused on relationships between criminal history score and reconviction rates by severity level and offense type. The study found that some components of Minnesota's criminal history score increased the presumptive sentence length without adding to the score's predictive power for recidivism. Dr. Laskorunsky said that the next step would be to complete the project's detailed, written report, and submit that to the Commission. Dr. Laskorunsky also said that the Robina Institute applied for funding to conduct a criminal history comparison between Minnesota and Kansas. Dr. Laskorunsky thanked the Chair for his support of the grant application and thanked the Commission for the opportunity to present.

The Commission asked questions of Dr. Laskorunsky and discussed the agenda item.

5. Possible Modifications to Criminal History Scores

This was on the agenda as a discussion item.

Chair Dietzen called on Executive Director Reitz who said that Senior Research Analysis Specialist Anne Wall would report on this item.

Ms. Wall presented refined scenarios for agenda items 5.a & 5.b that the Commission directed staff to prepare at its April 12, 2018 meeting for modifying the Custody Status Point (CSP), criminal history weights, and felony decay.

The Commission had a lengthy discussion.

Chair Dietzen recognized Vice-Chair Schellhas who said that the Commission must still discuss the severe violent crime proposal which is agenda item 5.c.

Members discussed next steps and determined that, at its June meeting, the Commission would further review criminal history, discuss the severe violent crime proposal, and determine an approach for moving forward this agenda item including when to invite stakeholders to a meeting. Chair Dietzen said that, in the interim, he would write a memo and reach out to stakeholders.

6. Roadmap for Remaining 2018 Calendar

Chair Dietzen called on Executive Director Reitz, who introduced a memo in the meeting packets regarding a timeline for the remainder of the year, assuming the Commission wished to propose

Guidelines modifications. The Commission discussed what they would like to accomplish at upcoming meetings.

7. Executive Director's Report and Legislative Update

This was on the agenda as an information item.

Chair Dietzen called on Director Reitz who reported on the following items.

The next Commission meeting will be June 7, 2018; part of the meeting will be dedicated to assigning severity-level rankings to new felony crimes. Director Reitz explained that there has been one new felony passed to date: Electronic Terminal Access under Minn. Stat. § 609.891, subd. 2(c).

Some Commission members will be invited to the 2018 National Association of Sentencing Commission (NASC) annual conference to be held August 13-15, 2018, in Columbus, Ohio. Director Reitz explained that members may be hearing from him soon saying that, if a member cannot attend, the invitation will be passed on to the next member in order of seniority who has not yet attended the conference.

Director Reitz presented a memo in the meeting packets regarding an unofficial summary of select crime provisions contained in the conference committee materials for Senate File 3656, and offered to answer any questions.

8. Public Input

Chair Dietzen called on members of the public present and asked if anyone wished to speak. No members of the public came forward.

9. Adjournment

Motion by Vice-Chair Schellhas and second by Ms. Middlebrook to adjourn.

Motion carried unanimously.

The meeting was adjourned at 3:40 p.m.