

Staff Information Paper

Custody-Status Policy Roundtable Logistics

May 5, 2022

The Commission will proceed with the Custody-Status Policy discussion by holding a roundtable in which stakeholders would be invited to join in a discussion about the Sentencing Guidelines custody status policy. As the Chair noted at the April 14, 2022, meeting, the purpose of the roundtable is to engage stakeholders directly in crafting a solution to address the currently unworkable custody status policy.

Date and Location – July 28, 2022, in St. Paul and Remotely

Regarding date and location, staff recommends the following:

- July 28, 2022—because it is an established Commission meeting date in which a quorum will be required to vote on amendments to the Guidelines—at the Department of Corrections’ Afton Room, 1450 Energy Park Drive, St. Paul, MN 55108, with a remote participation option.
- This date is after the legislative session, which would allow legislators to attend.
- The Afton Room is available for Commission meetings going forward, is in a central Twin Cities location, has free and handicap accessible parking, and has technology suitable for remote meetings.
- Remote meetings are generally convenient and accessible for many members of the public.

Agenda and Format Options

The Commission last held a roundtable in 2013, when it invited stakeholders to join in a discussion about sentencing practices for first- and second-degree controlled substance offenses. This format allowed for an engaged discussion between members of the Commission and stakeholders. The 2013 roundtable was a 2.5-hour meeting, which began with a data presentation, followed by a facilitator-led discussion. The purpose of the data presentation prior to the discussion was to ensure that all participants had the same baseline of information. The discussion was followed by a short break, after which the facilitator summarized and highlighted common themes from the discussion. The 2013 roundtable was facilitated by Professor Kevin Reitz from the University of Minnesota Law School. There was a public comment portion on the agenda in which public members who were not seated at the table could provide their input as well.¹

¹ Approved MSGC Meeting Minutes (Oct. 15, 2013).

The Commission met two days later for a regularly-scheduled meeting and discussed what they had heard at the roundtable.²

If the Commission were to follow a similar format, a proposed agenda for the roundtable would be as follows:

1. Welcome and Introductions
2. Presentation of Data / Information Relating to Custody Status

Input Requested: Which information would be most relevant to this discussion?

Below, staff has compiled linked materials presented at Commission meetings from the Fall of 2021 thru the Spring of 2022 where the Commission has discussed custody status.

- A. [Data Presentation: Who Receives Custody Status](#) (March 10, 2022)
- B. Custody-Status Policy Study – Policy Overview [\[A\]](#) [\[B\]](#) (Feb. 10, 2022)
- C. Public Hearing on Repeal of Custody Status (Dec. 16, 2021)
 - [AGENDA](#)
 - [Proposed Amendments](#)
 - [Estimated Prison Bed Impact](#)
 - MN State Register, [Volume 46, Number 20](#)
 - Public Testimony ([video](#))
 - Public Comment [\[1\]](#) [\[2\]](#) [\[3\]](#) [\[4\]](#) [\[5\]](#)
 - [Public Hearing Summary](#)
- D. Custody Status Proposals (Action) [\[A\]](#)[\[B\]](#)[\[C\]](#)[\[D\]](#)[\[E\]](#)[\[F\]](#) (Nov. 4, 2021)
- E. Custody Status Proposal [\[A\]](#) [\[B\]](#) [\[C\]](#) [\[D\]](#) [\[E\]](#) (Oct. 7, 2021)

3. Facilitator-Led Discussion
4. Public Comment
5. Wrap-Up / Themes

Active participants of the round table, including Commission members, would be asked to attend the meeting in person in order to enable the establishment of rapport among the group, and to allow for better facilitation of the discussion. Individuals wishing to observe or make public comment could attend either in person or remotely.

Prospective Invitees

In September of 2018, the Commission dedicated one of its meetings to receiving testimony from criminal justice stakeholders on possible criminal history score policy modifications. Staff recommends the

² Approved MSGC Meeting Minutes (Oct. 17, 2013), pp. 5–7.

Commission review the past participants from 2018, summarized, below, to determine prospective invitees. In making invitations, the Commission will need to balance the need to keep the group small enough to allow for a meaningful discussion, but broad enough to cover a wide range of views and opinions. The public comment portion of the agenda will also allow for input from those not directly involved in the roundtable discussion.

Table 1. Summary of Participants Interested People by Staff-Assigned Stakeholder Group, 2018 Stakeholders

Community & Victims	Legislative, Judicial & Executive Branch
<ul style="list-style-type: none"> • 180 Degrees Inc. 	<ul style="list-style-type: none"> • House & Senate Public Safety Committees
<ul style="list-style-type: none"> • Amicus, Inc. of Minnesota 	<ul style="list-style-type: none"> • Minn. Department of Corrections, Field Services & Minn. Assoc. of Community Corrections Act Counties
<ul style="list-style-type: none"> • Children of Incarcerated Caregivers (CIC) 	<ul style="list-style-type: none"> • Minn. House Research (non-partisan)
<ul style="list-style-type: none"> • Christian Restoration Services 	<ul style="list-style-type: none"> • Minn. State Public Defender
<ul style="list-style-type: none"> • Council for Black Male Success 	<ul style="list-style-type: none"> • Office of the Attorney General
<ul style="list-style-type: none"> • Damascus Way 	<ul style="list-style-type: none"> • State Court Administration
<ul style="list-style-type: none"> • Families & Offenders United Project 	Academics, Human & Legal Rights, Public Defenders
<ul style="list-style-type: none"> • InnerChange Freedom Initiative 	<ul style="list-style-type: none"> • ACLU-MN, Greater Racial Justice Project
<ul style="list-style-type: none"> • ISAIAH, Faith in Democracy 	<ul style="list-style-type: none"> • Community Justice Project, St. Thomas University
<ul style="list-style-type: none"> • Jewish Community Action 	<ul style="list-style-type: none"> • Legal Assistance to Minn. Prisoners (LAMP)
<ul style="list-style-type: none"> • Minn. Adult & Teen Challenge 	<ul style="list-style-type: none"> • Legal Rights Center & Minn. Legal Services Coalition
<ul style="list-style-type: none"> • Minn. Assoc. Treatment of Sexual Abusers (MnATSA) 	<ul style="list-style-type: none"> • Minn. Association of Black Lawyers (MABL)
<ul style="list-style-type: none"> • Minn. Coalition Against Sexual Assault (MNCASA) 	<ul style="list-style-type: none"> • Minn. Association of Criminal Defense Attorneys
<ul style="list-style-type: none"> • Minn. Hope Chapter, Parents of Murdered Children, Inc. 	<ul style="list-style-type: none"> • Robina Institute of Criminal Law and Criminal Justice
<ul style="list-style-type: none"> • RS EDEN/Eden House 	<ul style="list-style-type: none"> • Wilder foundation
<ul style="list-style-type: none"> • Schunk Family (Parents of Murder Victim Anarae Schunk) 	Peace Officers, Police, Sheriffs, Prosecutors
<ul style="list-style-type: none"> • Take Action Minnesota 	<ul style="list-style-type: none"> • Minn. Chiefs of Police Assoc. & Minn. Police and Peace Officers Association (MPPOA)
<ul style="list-style-type: none"> • Ujamaa Place 	<ul style="list-style-type: none"> • Minn. County Attorneys Association (MCAA)
<ul style="list-style-type: none"> • We Are All Criminals 	<ul style="list-style-type: none"> • Minn. Sheriffs Association

Written Comments

Staff recommends the Commission establish a clear process for submitting written comments as well. Those submitting written comments will not be able to participate directly in the roundtable discussion, but will be able to provide additional input for the public comment portion of the meeting. In 2018, the Commission’s memo directed that criminal-justice stakeholders provide input either in person at the meeting or in writing (submitted five days prior to the meeting). As with all meetings, there would be an agenda item for public input and meeting materials are posted on the Commission’s website.