

Approved Meeting Minutes

April 11, 2024

Note: This meeting's video recording was posted at <https://youtu.be/oTi0QwgIFc8>

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on April 11, 2024, in the Afton Room at the Department of Corrections headquarters, 1450 Energy Park Drive, Saint Paul, MN 55108; and by telephone and/or electronically.

Present in person were Chair Kelly Lyn Mitchell and Vice-Chair Michelle A. Larkin; and Commission members Prof. Richard S. Frase, Judge David Knutson, Kyra Ladd, Cathryn Middlebrook, Justice Gordon L. Moore, III, Brooke Morath, and Latonya Reeves. Also present in person were MSGC Executive Director Nate Reitz; and MSGC staff members Leah Bower, Matt Hlina, Jill Payne, and Devonte Roache; and members of the public Representative Mark Wiens, Minnesota House of Representatives; Dr. Grant Duwe, Department of Corrections' Director of Research and Evaluation; Kevin Reitz and Chris Uggen from the University of Minnesota.

Present by telephone and/or electronically were Tim Morin, Chief Brian Mueller, and Surya Saxena, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on March 8, 2024. Also present by telephone and/or electronically were MSGC staff member Linda McBryer; and members of the public Julia Laskorunsky, Robina Institute of Criminal Law and Criminal Justice; Gina Kubits, Matt Majovski, and Elizabeth Ruhland.

1. Call to Order and Roll Call

Chair Mitchell called the meeting to order at 1:02 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Larkin, and commissioners Knutson, Ladd, Middlebrook, Morath, Morin, Mueller, Reeves, and Saxena. Ten members were present. Three members were absent. A quorum was present.

2. Approval of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

Motion by Commissioner Reeves and second by Vice-Chair Larkin to approve the meeting agenda.

Motion carried unanimously on a 10–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice-Chair Larkin, and commissioners Knutson, Ladd, Middlebrook, Morath, Morin, Mueller, Reeves, and Saxena.

3. Approval of Draft Meeting Minutes from March 7, 2024 (Action)

This was on the agenda as an action item.

Motion by Commissioner Middlebrook and second by Vice-Chair Larkin to approve the March 7, 2024, draft meeting minutes.

Motion carried unanimously on a 10–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice-Chair Larkin, and commissioners Knutson, Ladd, Middlebrook, Morath, Morin, Mueller, Reeves, and Saxena.

4. Veterans Sentencing Data Bill – House File 3304 (Action)

This was on the agenda as an action item.

Commissioner Moore joined the meeting in person at 1:09 p.m., and Commission Frase joined the meeting in person at 1:16 p.m., during this agenda item.

This item was placed on the agenda at the request of Representative Mark Wiens, the author of House File 3304, who asked the Commission for its position on the bill. The bill would require reporting by the courts to MSGC, and by MSGC to the Legislature, of data pertaining to certain outcomes of deferred sentences under the Veterans Restorative Justice Act (Minn. Stat. § 609.1056).

Rep. Wiens made remarks regarding the bill and answered Commission members’ questions.

Motion by Commissioner Knutson and second by Commissioner Middlebrook that the Minnesota Sentencing Guidelines Commission support the House File 3304.

Motion carried unanimously on a 12–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice-Chair Larkin, and commissioners Frase, Knutson, Ladd, Middlebrook, Moore, Morath, Morin, Mueller, Reeves, and Saxena.

5. University of Minnesota Research Team Update: Topics Being Pursued (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on University of Minnesota researcher Dr. Julia Laskorunsky, Research Director, Robina Institute of Criminal Law, who presented slides entitled “Research Team Update: Topics Being Pursued” and began by recapping what the UMN research team had outlined as its approach to research for the Comprehensive Review. The objective is to provide deliverables to the commission that included both qualitative and quantitative research as well as legal and policy analysis.

Dr. Laskorunsky described the research team’s “big, open questions” as: (1) Why the presumptive prison rate is increasing over time; (2) How to choose the right sentence for the right offender; (3) Why

specific offenses have high departure rates; and (4) How the Commission’s policies, statutes, and guidelines compare to other sentencing commissions.

6. History of Sentencing Guidelines’ Purpose and Principles (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Executive Director Nate Reitz.

Director Reitz presented an MSGC Staff Information Paper on the “History of Minnesota Sentencing Guidelines’ Purposes and Principles,” beginning with a discussion of the 1978 charter statute and its changes over time. Director Reitz next discussed the evolution of the Guidelines’ “Statement of Purposes and Principles.” Director Reitz also referred to the first executive director’s view of the first Commission’s outlook on its purpose and principles when formulating the original Guidelines.

Chair Mitchell called on Commissioner Frase to add more historical context the original Commission considered when developing its sentencing model. Additional discussion by the Commission followed.

7. Minnesota’s Prison Population: Who is in Prison? (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Dr. Grant Duwe, Department of Corrections’ Director of Research and Evaluation, to provide an historical perspective on Minnesota’s prison population since 2000. Highlights from this presentation included an increase in the population from 6,000 in 2000 to over 9,000 in 2010. Current prison population demographics (2024) indicate that 93% of the population is male and 7% is female; white offenders represent 50%, black at 38%, American Indian at 9%, and the Asian population is at 3%; and person offenses (e.g., domestic assault, homicide) make up 57% of the offense demographics, drug offenses are 16%, and property offense are at 7%. Current Department of Correction bed capacity is at 8,119 but is expected to increase over the next four years with a high project at 8,357 in 2027.

The Commission then engaged in further discussion with Dr. Duwe.

8. The Sentencing Guidelines in Operation – Sample Case (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell introduced the item and said that this would be an opportunity to directly engage with the Guidelines by examining sample cases. Director Reitz called on staff members Leah Bower and Linda McBrayer who presented the second sample case from actual cases in which the names of the defendants were changed to “John Doe” and “Richard Roe.” The second case, Richard Roe, was convicted of Violate No Contact Order -Within 10 years of the first of two or more convictions in Hennepin County. First, the case narrative was presented based on the probable cause statement. Then, the sentencing worksheet including the criminal history and presumptive sentence was explained. Lastly, the actual sentence was presented.

The Commission asked questions and discussed the second sample case. Chair Mitchell thanked Ms. McBrayer and Ms. Bower for the presentation.

9. Executive Director's Report (Discussion)

Director Reitz reported on three items:

- Introductions of the new MSGC research staff was made. Devonte Roache and Matt Hlina joined the staff in mid-March; an additional staff member, Andrew Gonzalez, will join the staff in May.
- Director Reitz reported that there have two bills significantly involving the MSGC in collecting and reporting data. One relates to the predatory offender registration data, and the other relates to data involving bail and other matters of criminal procedure. It is presently unclear whether either bill has a likelihood of passage.
- House File 3614, a public safety policy bill which has passed on the House floor and sent to the Senate regarding the four of the seven recommendations made to the Legislature in the 2024 Report to the Legislature, with a standalone bill adopting a fifth recommendation.

10. Public Input

Chair Mitchell asked if there were members of the public who wished to speak.

No public members wished to speak.

11. Adjournment

Chair Mitchell adjourned the meeting at 3:20 p.m., without objection.