

Approved Meeting Minutes

March 13, 2025

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on March 13, 2025, in the Itasca 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, Chair and Designee of the Commissioner of Corrections, Vice Chair Michelle A. Larkin, Minnesota Court of Appeals Judge, and Commission members Richard Frase, Professor Emeritus, University of Minnesota Law School; Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; David Knutson, First Judicial District Court Judge; Kyra Ladd, Wadena County Attorney; Marlin Meszaros, Director of Reentry Services for Damascus Way – Golden Valley; Cathryn Middlebrook, Chief Appellate Public Defender; Tim Morin, Public Member; Chief Brian Mueller, Stillwater Police Department; and Latonya Reeves, Hennepin County Career Probation Officer. Also present in person were MSGC Executive Director Nate Reitz; MSGC staff members Leah Bower, Andrew Gonzalez, Matthew Hlina, and Jill Payne; and members of the public Rebecca Gilbuena; Shamsa Dhayow, Management Analysis & Development (MAD), Charlie Sellew, Management Analysis & Development (MAD), Professor Raj Sethuraju, Metro State University and Minneapolis NAACP; Professor Kevin Reitz, University of Minnesota; and Professor Christopher Uggen, University of Minnesota.

Commission members present by telephone and/or electronically were Gordon L. Moore, III, Minnesota Supreme Court Justice; and Surya Saxena, Public Member, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on February 14, 2025. Also present by telephone and/or electronically were MSGC staff members Kathleen Madland, Linda McBrayer, and Devonte Roache; and members of the public Dr. Julia Laskorunsky, University of Minnesota; Professor Aaron Sojourner, W.E. Upjohn Institute for Employment Research; Elizabeth Ruhland; and Brad Salberg.

1. Call to Order and Roll Call

Chair Mitchell called the meeting to order at 3:03 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice Chair Larkin, and members Frase, Keefe, Knutson, Ladd, Meszaros, Middlebrook, Moore, Morin, Mueller, Reeves, and Saxena. Thirteen members were present. No members were absent. A quorum was present.

2. Adoption of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

Motion by Commissioner Larkin and second by Commissioner Middlebrook to approve the draft meeting agenda for March 13, 2025.

Motion carried unanimously on a 13–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice Chair Larkin, and members Frase, Keefe, Knutson, Ladd, Meszaros, Middlebrook, Moore, Morin, Mueller, Reeves, and Saxena.

3. Approval of Draft Meeting Minutes from February 13, 2025 (Action)

This was on the agenda as an action item.

Motion by Commissioner Middlebrook and second by Commissioner Reeves to approve the draft meeting minutes from February 13, 2025.

Motion carried unanimously on a 13–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice Chair Larkin, and members Frase, Keefe, Knutson, Ladd, Meszaros, Middlebrook, Moore, Morin, Mueller, Reeves, and Saxena.

4. Comprehensive Review Public Engagement Update (Discussion) *Shamsa Dhayow & Charlie Sellew, Management Analysis & Development (MAD)*

This was on the agenda as a discussion item.

Chair Mitchell called on Shamsa Dhayow and Charlie Sellew from Management Analysis & Development (MAD) to present on item number four, “Minnesota Sentencing Guidelines Comprehensive Review Engagement Snapshot: Public Defense and Prosecutors from Hennepin and Ramsey County,” dated March 13, 2025.

In Summer 2024, Management Analysis & Development (MAD) conducted public engagement sessions to gather feedback on the Sentencing Guidelines, with these results presented to the Commission in October 2024. After reviewing these initial results, the Commission requested further engagement of stakeholders from Hennepin and Ramsey County. This presentation highlighted the feedback provided by Hennepin and Ramsey County public defenders and prosecutors in February 2025. MAD presented details on various topics, with the following key themes:

1. High departure rates are an indication that an offense may be misranked; the system should not need to rely on departures to attain fair sentences.
2. Practitioners in Hennepin and Ramsey County were concerned with the geographic variation in practices between their counties and the rest of the state and wanted to reduce these geographic disparities by updating the guidelines to reflect lower sentences for offenses with high departure rates.
3. There was more agreement on a range of topics between prosecutors and public defenders in Hennepin County and Ramsey County than there were in other sessions with prosecutors and public defenders across the state.

Discussion: The presenters asked Commission members to point out any ideas that stood out to them. Ideas included the following: an emphasis on consistency and disparity; the creation of a separate mandatory minimum grid; having offense severity groups focusing on property crimes versus lower-level violent crimes; comparing drug sentences with domestic violence sentences; and a surprise that there was not more conversation on repeat offenders.

Next, the presenters reviewed the document, “Minnesota Management and Budget RE: Engagement Feedback on Offense Severity Levels,” dated March 13, 2025. This memo provided feedback from Hennepin and Ramsey County on how specific offenses should be ranked within the sentencing grids. This second round of feedback again emphasized the importance of proportionality and equity in offense severity rankings, as well as a desire to reevaluate drug and property offenses while ensuring that offenses involving significant harm, such as domestic violence, were appropriately ranked. The second round of feedback differed from the first round in a greater emphasis on expanding presumptive probation, a request to refine drug offense rankings, and a request to include a broader representation of example offenses in the Grids.

Discussion: The presenters again asked Commission members to point out any ideas that stood out to them. Ideas included the following: an acknowledgement of the challenges in domestic violence sentencing, with a difficulty in how some victims want incarceration for the offender and some offenders emphasize restoration; concerning severity ranking, an affirmation of the different levels of harm inflicted on a victim for different types of burglary, especially whether a building was occupied or a residence, compared to an empty commercial building after hours; and that Hennepin and Ramsey County stakeholders were also concerned about equity in sentencing.

The presenters informed the Commission that they would be working on a new summary document that adds the additional feedback from Hennepin and Ramsey County. They asked the Commission to provide them with any specific topics they would like to have assessed in this final report.

Chair Mitchell asked Commission members if they had any ideas to provide to the MAD team. Commission members asked about the impact of plea bargaining. Chair Mitchell responded that plea bargains were related to the Commission’s work, but not directly related to the sentencing guidelines. Commission members also asked whether the five-year probation cap had an impact on sentencing behaviors, since prosecutors may push for a commit instead of a stayed sentence if they felt that the five-year durational cap was too little. The presenters confirmed that this topic was brought up in the previous feedback sessions, noting that a prosecutor during those sessions stated that the five-year probationary cap was helpful in reducing violence. Chair Mitchell added that a study of the impact of the five-year probation cap would be valuable for the Commission staff to conduct. Director Reitz observed that in the 2023 monitoring data, Commission staff did not find an obvious, dramatic drop in mitigated dispositional departures or increase in aggravated dispositional departures.

5. Comprehensive Review Ranking Project (Discussion)

A. Severity-Level Ranking Principles and Process for Ranking Project

B. Offense Group 1 – Felony Motor Vehicle Operation

C. Practice Exercise

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz to present on item number five, part A, “Minnesota Sentencing Guidelines Commission Ranking Project: Severity-Level Ranking Principles and Process,” dated March 13, 2025. The goal of this presentation was to provide context to the Commission’s upcoming ranking efforts.

The Comprehensive Review Steering Committee recommended that the Commission examine the severity level rankings assigned to selected offenses. Before this first exercise in ranking, Director Reitz introduced the ranking criteria used for assigning a severity level to an offense and the severity level options available for an offense, and provided background on the Standard Sentencing Grid.

Typically, when assigning severity levels, the Commission had considered the harm (*e.g.*, great bodily harm, substantial bodily harm, demonstrable bodily harm) and culpability (*i.e.* blameworthiness) for the “typical” version of the offense. The higher the severity level, the more serious the offense. Within each severity level, all offenses should be comparable in their seriousness, which can be used to guide ranking. Additionally, the Commission may consider high departure rates as a signal from the justice system that an offense may be incorrectly ranked, although, it may signal that it is difficult to characterize a “typical” version of the offense, and the system is adjusting sentencing as needed based on the details of each case.

Therefore, when reranking offenses, Director Reitz presented the following five types of actions as a starting point to help Commissioners think through this process, noting that Commissioners were not limited to these options:

1. Keeping the offense at the current severity level
2. ‘Upranking’ the offense to a higher severity level
3. ‘Downranking’ the offense to a lower severity level
4. Adjusting the Standard Grid (*i.e.*, creating new severity levels, combining existing severity levels)
5. Making legislative recommendations

The Standard Sentencing Grid has undergone a series of changes since its inception in 1980.

Importantly, in 1980 there was only a single sentencing grid, but currently there are three sentencing grids: a Standard Sentencing Grid, a Sex Offender Grid, and a Drug Offender Grid. Since the first offense to be reviewed is on the Standard Sentencing Grid, the discussion today focused only on the Standard Grid.

The current Standard Sentencing Grid has eleven severity levels (SL) on the vertical axis and seven groups by criminal history score (CHS) on the horizontal axis. For each intersection cell there is a recommended disposition (shaded versus not shaded) and a recommended durational range. These are

the variables that Commissioners can change. Director Reitz highlighted four changes made to the Standard Sentencing Grid between 1980 and the current 2024 Grid to present the range of changes available to Commissioners.

1. In 1980, there were much lower durations, particularly at CHS of Zero; the largest increase in durations occurred in 1989 in response to violent crime in the Twin Cities.
2. In 1980, all offenses for SL 1 were a stayed disposition, regardless of the CHS; the 2024 Grid has a commit disposition for all offenses at a CHS of 6 or more.
3. In 1980, the increase in durations by CHS was less linear, with durations increasing faster as the CHS gets larger (a “swoosh” shape); in the 2024 Grid the increase is more linear.
4. In 1980, there was no SL 7 (as it exists in the current Grid) with only ten severity levels. In 2002, the Grid added an eleventh severity level. This was a response to the doubling of the durations assigned to SL 7 in the 1989 Grid. In 2002, the prior SL 10 durational level became SL 11, and the additional severity level was used to smooth out the transition between SL 6 to SL 9. The 2024 Grid still uses this SL system.

Director Reitz concluded his discussion of principles and process by bringing five possible issues with the current Grid to the attention of the Commissioners, not to suggest they immediately address them, but for context in their upcoming reranking work.

- *Issue #1:* There are now enormous gaps in duration between SL 8, 9, 10 and 11. A change to severity levels, including adding severity levels, has been used by prior Commissions to address these types of gaps. Should this gap be addressed?
- *Issue #2:* Some severity levels have the same, or very similar, dispositional cutoffs and durations (SL 1 and 2, SL 3 and 4, SL 5 and 6), especially compared to the larger gaps in higher severity levels. Should some of the lower severity levels be combined?
- *Issue #3:* In prior grids the lowest severity level was completely gray, meaning the recommended disposition was always a stayed sentence. Should there be a class of felony offenses where the recommended disposition should never be to prison, but always a stayed sentence?
- *Issue #4:* In earlier grids the increase in duration by severity levels was less linear, with faster increases as CHS increased (“swoosh” shape). Durations in the current grid increase in a more linear fashion. Is there a preference in whether durations increase linearly by CHS?
- *Issue #5:* Although a criminal history score topic, should the line separating stayed and commit recommended disposition by criminal history score be adjusted from its current “staircase” design?

Following this overview, Director Reitz presented on item five, part B, “Minnesota Sentencing Guidelines Commission Comprehensive Review Offenses for Reranking Consideration, Offense Group 1 – Felony Motor Vehicle Operation,” dated March 5, 2025. This document is a guide for Commissioner to understand each type of felony motor vehicle operation offense. It included an overview of all relevant offenses and a page of summary statistics for each individual statute. Director Reitz reviewed an example of these summary statistics, see Exhibit 1 below.

Exhibit 1. Sample of Summary Statistics

CVH – Gross Negligence

Minn. Stat. § 609.2112, subd. 1(a)(1)
 Statutory Maximum: 10 yrs./\$20K
 Mandatory minimum: NA
 Offense description:
 • Operating a motor vehicle in a grossly negligent manner
 • Causing the death of a human being as a result
 • Not murder or manslaughter

Current Ranking: Severity Level 8

		Criminal History Score						
		0	1	2	3	4	5	6+
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189	
8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129	
7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 ^{1,2}	

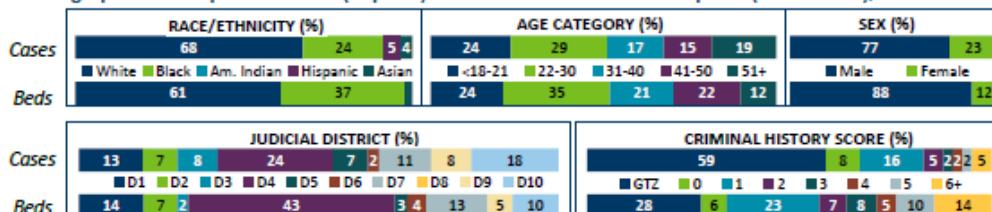
Annual Case Volume & Estimated Prison Beds, 2014–2023; Special Considerations

8.3 Sentences Per Year	13.3 Estimated Prison Beds	All Criminal Vehicular Homicide offenses have historically been assigned the same severity level. If death to an unborn child results, the offense is found in § 609.2114, with the same elements and statutory maximum—also historically assigned the same severity level.
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Prison Outcomes 2014–2023

Total Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
83	83 (100%)	49 (59%)	35 (71%)	34 (41%)	4 (12%)	0	63.6 months
Prosecutor Agreed:		33 (67%)	25 (71%)		4 (100%)		

Demographics of People Sentenced (Top Bar) & Estimated Prison-Bed Occupants (Bottom Bar), 2014–2023



Reranking Considerations:

- The high mitigated dispositional departure rate may rationally be interpreted as the criminal justice system’s signal that the Guidelines’ presumptive disposition—particularly for Guidelines true zeroes—exceeds the punishment appropriate for a typical CVH – Gross Negligence crime.
- Some might find a ranking reduction to be a concern given the harm and culpability involved, although some might find changing SL 8 to resemble SL D7 (same durations, but with presumptive stays for those with low criminal histories) to be a viable option.
- Ranking this offense higher than Manslaughter 2nd Degree (culpable negligence) (SL 8) would raise rationality concerns. Because culpable negligence is gross negligence coupled with the element of recklessness, a person whose culpable negligence causes death is, in theory, more culpable than a driver whose gross negligence causes death (although culpability may vary on a case-by-case basis). Therefore, rationality considerations would weigh toward ranking CVH – Gross Negligence no higher—and possibly lower—than Manslaughter 2nd Degree (culpable negligence).

See page 4 from the file, “Minnesota Sentencing Guidelines Commission Comprehensive Review Offenses for Reranking Consideration, Offense Group 1 – Felony Motor Vehicle Operation.”

Following the summary statistics was a feedback form for each offense where Commissioners were tasked with providing their feedback on how they would rank each offense. These recommendations would be captured in the PDF provided to each Commissioner. Director Reitz reviewed an example of this feedback form, see Exhibit 2 below.

Exhibit 2. Sample of Commissioner Feedback Form

Reranking Worksheet for CVH – Gross Negligence

Current Ranking: Severity Level 8

What reranking option(s) do you feel are appropriate? (Select all that apply)

☐ Do not rerank

☐ Uprank:

- ☐ To an existing higher severity level ____.
- ☐ To a new intermediate severity level between ____ and ____.
- ☐ To a new severity level consolidating severity levels ____ and ____.

☐ Downrank:

- ☐ To an existing higher severity level ____.
- ☐ To a new intermediate severity level between ____ and ____.
- ☐ To a new severity level consolidating severity levels ____ and ____.

☐ Adjust the dispositional line as follows: _____.

☐ Make a legislative recommendation: _____.

☐ Other: _____.

Notes/rationale:

Initials: _____

See page 5 from the file, "Minnesota Sentencing Guidelines Commission Comprehensive Review Offenses for Reranking Consideration, Offense Group 1 – Felony Motor Vehicle Operation."

Director Reitz requested that Commissioners complete the feedback section for each offense in this PDF. He requested that Commissioners email these completed files back to Commission staff by Monday March 24, 2025. MSGC staff will compile responses in preparation for the next meeting in April.

Discussion:

Commission members asked whether they would be able to discuss with other Commission members their ideas on re-ranking prior to a final decision being made. Director Reitz responded that this feedback file is the first step in the process, and a discussion with the larger Commission would follow.

Commission members asked whether there was an option for disaggregating offenses. Director Reitz responded that, at least for fleeing offenses, there may be legislative changes made. There is a section in the feedback form where that type of action may be recorded by the Commission.

Commission members pointed out that in the feedback page under the “Downrank” options, it read, “To an existing higher severity level.” Director Reitz confirmed that this was a typo, and it will be changed to, “To an existing lower severity level.”

Commission members asked for clarification on the section of the feedback form, “Adjust the dispositional line as follows.” Director Reitz responded that, although this is a severity level exercise and not a criminal history score exercise, if the Commission had feedback on where the disposition changed from stay to commit, that could be recorded here. He further noted that it related to severity level because where this dispositional line is placed changes the seriousness of that severity level.

Commission members asked for clarification on the section of the feedback form, “Make a legislative recommendation,” concerning the scope of changes available to Commissioners; whether it could be a change in mandatory minimum, a change to statute paragraphs, etc. Chair Mitchell responded that everything was available to Commissioners.

Commission members then requested information on similar offenses within each severity level. Director Reitz pointed to examples in the provided document, and that section 5A of the Minnesota Sentencing Guidelines list out all offenses by severity level. Director Reitz also encouraged Commissioners to reach out to Commission staff for any similar questions.

Chair Mitchell confirmed with Commission members that they all understood what was being asked. No Commissioners had any further questions.

Chair Mitchell then updated the Commission that the Comprehensive Review Steering Committee had moved on from severity levels to a discussion of criminal history score.

6. Executive Director's Report & Legislative Update (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz. Before presenting the Executive Director's Report, Director Reitz informed any community members, in person or on the call, that they could begin to come up to the table, or raise their hands in the Webex software, in preparation for the upcoming public input.

Director Reitz's first update was bringing [Senate File 1719](#) to the attention of the Commissioners. It is an upcoming bill that would create a Task Force on Mandatory Minimum Sentences. Director Reitz would be a member of this task force. Second, he commented on the February budget forecast update, suggesting that the Commission would not be receiving any more funding to support the next phase of the comprehensive review. Third, that MSGC staff member Andrew Gonzalez had taken a promotion and reassignment with the Minnesota Department of Public Safety's Statistical Analysis Center. Director Reitz commented that he wished to develop a better relationship with the Statistical Analysis Center.

Chair Mitchell made additional comments on SF 1719, asking if the Commission would have any interest in taking a position on this bill. Chair Mitchell noted the Commission's prior work examining how mandatory minimums drive some of the sentencing departure rates, and how the Commission may have information to provide to this Task Force.

Commission member Richard Frase commented that the United States Sentencing Commission had, on multiple occasions, taken positions against mandatory minimum sentences based on the theory that sentencing guidelines are a better way than mandatory minimum sentences. Based on this, Member Frase said there was precedent for this Commission to become involved in this work.

Motion by Commissioner Frase and second by Commissioner Middlebrook to adopt a resolution in support of the creation of a Mandatory Minimum Task Force as described in SF 1719.

Discussion: Commission members clarified that this was a motion to support the bill that would create the task force, not a motion that expressed support for any outcomes or policies.

Commissioners expressed concern that there were no judges included in the task force. Some Commissioners suggested that the Commission provide support with the feedback that a judge should be included. Other Commissioners noted that these types of task forces often did not have a judge included, focusing on practitioners and stakeholders. Commissioners also commented that a judge may have reservations on being included in this type of task force, since the Judicial Branch does not take substantive positions on legal changes or policy issues regarding the law. On the other hand, Commissioners noted that judges, on their own behalf, may approach the legislature to comment on changes to the law informed by their unique position. This would be similar to how judges participate as members of the Sentencing Guidelines Commission; not as representatives of the Judicial Branch, but in their own capacity providing their own experience. Lastly, Commissioners commented that there may be challenges with a judge providing feedback on mandatory minimum sentences when these same judges may have been involved in sentencing cases with mandatory minimum sentences.

Based on the diversity of opinions on the matter, Chair Mitchell suggested that the Commission refrain from commenting on judicial involvement in the task force, leaving the current motion as it stood.

Motion carried unanimously on a 13–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice Chair Larkin, and members Frase, Keefe, Knutson, Ladd, Meszaros, Middlebrook, Moore, Morin, Mueller, Reeves, and Saxena.

7. Public Input

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

Present in the room was Professor Raj Sethuraju, Metro State University, Department of Criminology. He started by paraphrasing Bryan Stevenson, “We are more than the worst mistakes we have made,” and encouraged the room to ponder this idea while thinking about how to change the Sentencing Guidelines. He commented how his reading of the Guidelines as they are written reinforces how punitive of a culture we are, thinking about enforcement and compliance in this space. He commented on how this perspective impacted the people who have committed a crime and interact with the Guidelines, the associated families and victims, and the communities in Minnesota in which they live. Professor Sethuraju stated that he was involved in a feedback session with people who were impacted by the Guidelines. This group urged Commissioners to think about how the Guidelines, more than just setting time for punishments, can set up investment in the impacted communities. Professor Sethuraju then implored the Commission to consider transformative processes that the Minnesota Court System could implement. He also commented that, after experience teaching in the Minnesota prison system, these institutions were not able to do rehabilitation, even though this is the promise they have given the public. He urged the Commission to align its values with the transformation of the individual and the community, while not downplaying the harm inflicted by the offender. He hoped the Commission could think about these ideas with the goal of helping the offender not commit another crime, to prevent recidivating, and humanize the entire process. He said that he was attending the meeting with Becca Gilbuena, of Georgia Fort Media, and they were working on a documentary about a car accident with disparate sentencing outcomes. He ended by urging Commissioners to humanize this entire process, to think about the offenders and the consequences of these sentences, while never forgetting the victims of the harm they have committed.

No other members of the public made comments, including members online/present by phone.

8. Adjournment

Chair Mitchell adjourned the meeting at 4:56 p.m., without objection.