

## Draft Meeting Minutes

**November 8, 2023**

---

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on November 8, 2023, in Room G3 of the Minnesota State Capitol, 75 Rev Dr Martin Luther King, Jr Blvd, Saint Paul, MN 55155; and by telephone and/or electronically.

Present in person were Chair Kelly Lyn Mitchell and Vice-Chair Michelle A. Larkin, Commission members Christopher E. Crutchfield, Prof. Richard S. Frase, Judge David Knutson, Judge Michelle A. Larkin, Cathryn Middlebrook, Brooke Morath, Justice Gordon L. Moore, III, Timothy Morin, Latonya Reeves, and Surya Saxena. MSGC Executive Director Nate Reitz and staff members Leah Bower and Jill Payne were also present in person. No members of the public were present in person.

Present by telephone and/or electronically were Commission members Kyra Ladd and Chief Brian Mueller, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on October 9, 2023. Also present by telephone and/or electronically were MSGC staff members Kathleen Madland and Linda McBrayer; and members of the public including Cynthia Johnson.

### 1. Call to Order and Roll Call

Chair Mitchell called the meeting to order at 1:00 p.m.

Director Reitz called the roll. Present were Chair Mitchell and Vice-Chair Larkin, and Commissioners Frase, Knutson, Ladd, Middlebrook, Moore, Morath, Morin, Mueller, Reeves, and Saxena. Twelve members were present. One member was absent. A quorum was present.

### 2. Approval of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

**Motion** by Commissioner Middlebrook and second by Commissioner Morin to approve the meeting agenda.

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

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

### 3. Approval of Draft Meeting Minutes from October 8, 2023 (Action)

This was on the agenda as an action item.

**Motion** by Commissioner Middlebrook and second by Commissioner Knutson to approve the September 7, 2023, draft meeting minutes.

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

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

### 4. Draft 2024 Report to the Legislature – 2022 Sentencing Data (Discussion)

Christopher E. Crutchfield joined the meeting at 1:13 p.m.

This was on the agenda as a discussion item.

Director Reitz introduced MSGC staff members to present the 2022 MSGC annual summary statistics for felony cases which will be included in the 2024 Report to the Legislature. Research Supervisor Leah Bower and research staff Jill Payne and Kathleen Madland reported on five highlights: case volume; distribution of cases by race and ethnicity; and geography; recommended and pronounced prison sentences gap; sentencing variations by geography (judicial district); the increase in downward dispositional departure rates on certain offenses. Data specifically called attention the continued increase in sentence volume following the 2020 drop (13%); the mitigated durational departure rate of the recommended sentence and the pronounced prison sentence on specific offenses (20%); and a decrease in the average prison sentence to 49.4 months from 54 months in 2021.

### 5. Comprehensive Review of the Sentencing Guidelines (Discussion)

This was on the agenda as a discussion item.

#### A. Staff’s “Big Five” Sentencing Guidelines Issues

Director Reitz reviewed what MSGC staff has identified as the five big issues arising from the first 41 years of sentencing data (1981-2022). These are: an increase in criminal history scores (1.0 to 2.9); the recommendation of more prison sentences (15% to 38%); an increase in the departure rate for presumptive prison sentences (20% to 39%, with a high of 46% in 2021); a persistence in different rates of imprisonment for Black and American Indian defendants vs. White defendants; and an increase in the complexity of the Guidelines policies.

#### B. Identifying the Commission’s Guiding Principles and Objectives for the Comprehensive Review

Stacy Sjogren, Charlie Sellev, and Shamsa Dhayow with Management Analysis and Development (MAD), appearing in person, led the Commission members discussion on the objectives and guiding principles for the comprehensive review. Specifically, the Commission engaged in a roundtable

discussion regarding what they believed were the important steps for the process of the comprehensive review, and what they hoped to achieve as a result of this review of the Guidelines. The discussion also included the specific principles to guide research activities and Commissioner interaction.

### **C. Strategic Direction for Public Engagement**

MAD continued to lead the Commission in a discussion on who they wished to include as stakeholders for the engagement process of the comprehensive review. The discussion included engaging with people with both work and lived experience with the criminal justice system, and how the Commission's guiding principles for the review would direct how they engaged.

## **6. Executive Director's Report (Discussion)**

This was on the agenda as a discussion item.

Director Reitz was delighted to announce that, as discussed at the Commission's October meeting, Arnold Ventures had preliminarily agreed to fund the team of University of Minnesota academics to provide the Commission with research support for the comprehensive review.

Director Reitz reminded members that the next Commission meeting will return to the Department of Corrections on Energy Park Drive in Saint Paul, on Thursday, December 14th at 1:00 p.m.

## **7. Public Input**

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

Cynthia Johnson addressed the commission regarding sentences for criminal vehicular homicide and he hope that they well be part of upcoming discussions.

## **8. Adjournment**

Chair Mitchell adjourned the meeting at 3:14 p.m., without objection.