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# Minnesota Sentencing Guidelines Comprehensive Review Engagement Report

Minnesota Sentencing Guidelines Commission  
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# Executive summary

This report presents findings from the Minnesota Sentencing Guidelines Commission’s (MSGC) comprehensive review of the state’s felony sentencing guidelines, conducted in partnership with Management Analysis and Development (MAD), a section of Minnesota Management and Budget.

From spring 2024 through early 2025, MAD facilitated eighteen engagement sessions with over 150 participants, including prosecutors, public defenders, probation officers, crime victims, formerly incarcerated people, treatment providers, and community organizations.

The purpose of these sessions was to gather meaningful input on the current sentencing framework—its strengths, limitations, and opportunities for reform. Many participants had limited prior opportunities to engage directly with state sentencing policy. Their feedback—shaped by professional expertise, lived experience, and often by histories of harm or exclusion within the criminal legal system—provided insight not only into technical challenges, but into the broader values and principles that should guide sentencing in Minnesota.

Participants emphasized the need for sentencing practices to be simpler, equitable, and responsive to individual circumstances. Key themes included concern over geographic and racial disparities, the rigidity of the drug grid, and the lack of meaningful mechanisms for victim input. Participants also said that probation is an inadequate tool for preventing recidivism or promoting rehabilitation and expressed a desire to expand non-custodial sentencing options.

MSGC’s recent work has already begun to act on participant input in several areas, including review of severity levels, reform of the criminal history score, simplification of the guidelines, and examination of departure practices. Several topics raised in engagement sessions remain important opportunities for future work, including further exploring data on departures, expanding non-custodial sentencing options, developing new systems for victim input, and revisiting foundational purposes and principles of sentencing.

This report synthesizes shared themes and tensions across public and practitioner feedback, summarizes input by audience and topic, and identifies areas for future policy work as well as recommendations for future engagement. It is intended not only as a record of what was heard, but as a tool to inform future policy decisions, legislative recommendations, and ongoing efforts to ensure fairness, proportionality, and public trust in Minnesota’s sentencing system.

# Introduction

## Background on comprehensive review

The Minnesota Sentencing Guidelines Commission (MSGC), established in 1978, is responsible under Minnesota Statutes section 244.09 for developing sentencing guidelines that ensure rationality, proportionality, and public safety in felony sentencing. The commission is composed of thirteen members representing a broad spectrum of roles and viewpoints within the criminal legal system. As required by statute, members include representatives from the judiciary, law enforcement, public defense, prosecution, probation, and corrections, as well as a crime victim and a formerly incarcerated person. This diverse representation brings inherently different—and at times opposing—understandings of justice, safety, and accountability to the table.

In 2023, the commission launched a comprehensive review of the guidelines—the most substantial examination of the state’s sentencing framework since its inception more than four decades ago. This review responds to growing concerns about clarity, fairness, and the alignment of sentencing practices with evolving policy priorities and community expectations.

A planning framework presented in September 2023 outlined a phased, multi-year approach for conducting the review. This included separate but coordinated tracks for research, internal commission deliberation, and stakeholder engagement, with the expectation that additional development and refinement would occur over the course of several years. However, in December 2024, following a state budget forecast projecting structural imbalances in public spending, the commission was advised that continued funding for the comprehensive review could not be guaranteed. Although MSGC requested continued funding for the review, it also altered the original scope and timeline of the project and compressed the pace of the work to complete most of the review in 2025.

## Objectives of the review

At the outset of the comprehensive review, the commission worked with MAD to define a shared set of objectives to guide the process. Between fall and winter 2023, MAD facilitated a series of meetings where commissioners reviewed and refined a set of objectives. This process involved multiple rounds of discussion among commissioners to reach consensus on a set of goals that could reflect their wide range of perspectives and priorities. The objectives were formally adopted on January 11, 2024—prior to any external engagement—providing a foundation for how the commission would move forward.

The process of shaping and adopting shared objectives was critical to establishing a common framework for the commission’s deliberations. Throughout the review, MAD returned to these objectives as a touchstone to help structure the process.

**As adopted on January 11, 2024, the commission’s objectives for the comprehensive review are as follows:**

*Because of the comprehensive review:*

1. The public and commission are confident that the review process was transparent, inclusive, and thoughtfully executed.

2. Practitioners find the Guidelines easier to understand and use.
3. The presumptive sentences for offenses are proportionate and fair.
4. Relative to the current Guidelines, the revised Guidelines contribute to:
  - Improved public safety
  - More consistent sentencing
  - Decreased disparities

These objectives continue to serve as a benchmark for understanding what progress has been made and where further attention may be needed—both within the scope of this review and in future efforts.

## **Role of MAD and research partners**

To ensure the review incorporated a broad range of perspectives and insights, the MSGC contracted with Management Analysis and Development (MAD), a division of Minnesota Management and Budget (MMB), to lead a statewide engagement process. MAD conducted seventeen sessions between March and July 2024 and one additional session in February 2025, gathering input from practitioners, community members, and individuals with direct experience in the justice system.

In parallel, the commission worked with its internal research staff and an external research team from the University of Minnesota to generate findings on key policy questions, including the impact of out-of-state offenses, departure trends, and the effectiveness of existing sentencing structures. The University of Minnesota researchers also gathered input from prosecutors and defense attorneys on specific offenses, including assault, failure to register, and aggravated robbery. These multiple inputs were synthesized to inform deliberation and decision-making by the commission throughout the review process.

## **Political and social context shaping the review**

The comprehensive review took place during a politically sensitive time, marked by heightened public discourse around crime, safety, and the role of the criminal legal system. Many communities voiced demands for a justice system that promotes equity, healing, and reintegration amid growing calls for accountability and fluctuating crime rates on both a national and local level.

In this climate, the commission faced complex and often competing expectations—from those urging for a more rehabilitative and restorative approach to justice, to those advocating for stricter penalties in response to concerns about public safety. The commission’s decisions throughout the review process were shaped not only by stakeholder input and research but also by pressures related to public perception, fiscal constraints, and legislative dynamics.

# Engagement approach

## Overview of engagement strategy and process

MAD designed and implemented a statewide engagement process that elevated the voices of both system practitioners and individuals with lived experience with the criminal justice system. The engagement strategy prioritized geographic reach, cultural representation, and inclusion of diverse experiences with the criminal legal system.

The engagement effort unfolded in two rounds. Round 1, held between March and July 2024, included seventeen engagement sessions across eight target audiences. MAD designed these sessions to surface operational, technical, and values-based input on the current sentencing guidelines. MAD launched Round 2, conducted in February 2025, in response to concerns raised by commissioners regarding the limited participation from Hennepin and Ramsey County prosecutors and public defenders in the first round. MAD responded by facilitating a targeted session to ensure these critical urban perspectives were reflected.

Throughout the process, MAD worked to ensure that input reflected the full breadth of Minnesota's communities, including those historically underrepresented in policy conversations. Particular attention was given to reaching individuals with direct experience of incarceration, addiction, victimization, and community reentry—many of whom brought multi-faceted perspectives informed by intersecting roles as service providers, victims, and advocates.

The engagement process began with careful planning and method design in early 2024. Between January and February, MAD identified outreach opportunities, developed materials (including facilitator guides and participant FAQs), and coordinated with system and community partners. Between March and July 2024, MAD hosted in-person and virtual engagement sessions across the state, using both standalone events and existing community gatherings to increase accessibility. To complement the sessions, MAD offered a survey option for those unable to attend.

In August and September 2024, MAD consultants and MSGC research staff reviewed notes from the engagement sessions and identified common themes. At the October 2024 commission meeting, MAD shared written “engagement snapshots,” which summarized input from engagement sessions by audience.

## Summary of who we heard from

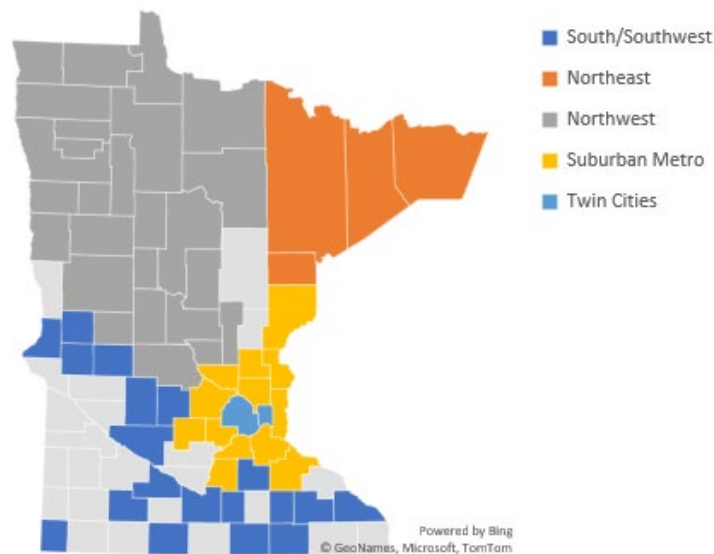
Across both rounds of engagement, MAD directly engaged 164 participants representing a wide spectrum of roles and experiences with the criminal legal system. This included system practitioners—such as probation officers, prosecutors, public defenders, and legal aid attorneys—as well as community members and advocates with lived experience of crime, incarceration, addiction, and reentry. Participants were drawn from across Minnesota's geographic regions, with representation from both urban centers and Greater Minnesota, as well as from organizations serving statewide constituencies.



## Practitioners—regional representation

To ensure statewide coverage and gather a full picture of practitioner perspectives across Minnesota, MAD grouped the state’s ten judicial districts into five engagement regions. MAD then held a mix of virtual and in-person sessions across these regions, targeting frontline system practitioners.

In Round 1, MAD facilitated direct engagement with 103 participants. A follow-up Round 2 session added eleven participants with public defense and prosecution roles in Hennepin and Ramsey Counties. A geographic map illustrating the counties reached is provided below.



**Figure 1. The map shows counties reached across all five engagement regions.**

The table below details the judicial districts included in each region, the counties represented by participants, and the total number of participants reached within regions across both rounds of engagement.

Regions	Judicial districts	Counties reached	# of participants
<b>South/Southwest</b>	Districts 3, 5, and 8	Blue Earth County, Brown County, Cottonwood County, Dodge County, Freeborn County, Grant County, Kandiyohi County, Martin County, Meeker County, Mower County, Olmsted County, Pope County, Renville County, Rice County, Rock County, Stevens County, Traverse County, Waseca County, Winona County	26 participants
<b>Northeast</b>	District 6	Carlton County, Cook County, Lake County, St. Louis County	10 participants
<b>Northwest</b>	Districts 7 and 9	Becker County, Beltrami County, Benton County, Cass County, Clay County, Clearwater County, Crow, Wing County, Douglas County, Hubbard County, Itasca County, Kittson County, Koochiching County, Lake of the Woods County, Mahnomen County, Marshall County, Mille Lacs County, Morrison County, Norman County, Otter Tail County, Pennington County, Polk County, Red Lake County, Roseau County, Stearns County, Todd County, Wadena County	42 participants
<b>Suburban Metro</b>	Districts 1 and 10	Anoka County, Carver County, Chisago County, Dakota County, Goodhue County, Isanti County, Le Sueur County, McLeod County, Pine County, Scott County, Sherburne County, Washington County, Wright County	21 participants
<b>Twin Cities</b>	Districts 2 and 4	Hennepin County, Ramsey County	4 participants in Round 1; 11 additional in Round 2

While the commission’s engagement process, led by MAD, included a wide range of practitioners across the criminal legal system, the judicial branch opted to conduct a separate internal process to gather input from judges, results of which were [shared at the October 2024 commission meeting](#). This decision reflects institutional preferences around independence and confidentiality, though it also shaped the degree to which judicial perspectives were integrated into broader public-facing engagement efforts.

In addition to the hosted sessions, MAD sent a targeted survey to law enforcement agencies that were not represented in the regional sessions. Twelve law enforcement professionals responded to the survey and MAD reviewed their responses alongside broader practitioner themes to include their perspectives.

## Community and public audiences

Community-focused sessions engaged individuals with a broad range of lived experience, including crime victims, formerly incarcerated individuals, culturally specific service providers, and community-based advocates. Across eight sessions, MAD engaged a total of 50 participants representing diverse geographies, including the Twin Cities metro, Greater Minnesota, and organizations serving statewide constituencies. Many participants brought overlapping experiences as victims, family members, service providers, business owners, and individuals directly impacted by incarceration or systemic inequities. This group included:

- **Crime victims and victim advocates** participated in three sessions (15 participants total), including those focused on domestic violence, sexual assault, and public safety. Participants included family members and advocates from the American Indian community, business owners, housing advocates, policy analysts, and treatment providers. Engagement included both online and in-person formats, with representation from across the state.
- **Formerly incarcerated individuals and advocates** participated in three sessions (23 participants total). While sessions were convened around lived experience with incarceration, many participants also identified as victims or service providers. Participants were primarily based in the Twin Cities, with some representing organizations that operate statewide.
- **Treatment and rehabilitation service providers** participated in two culturally specific sessions (12 participants total) focused on the Somali and American Indian communities. Participants included individuals with lived experience, organizational leaders, and advocates for victims and families. Sessions drew from urban and rural regions, including the Northwest, Northeast, and Twin Cities areas, offering insight into both community-level barriers and culturally grounded approaches to healing, recovery, and justice.

## Engagement session methods

### Practitioner engagement sessions

For practitioner audience groups that had direct familiarity with the sentencing guidelines, MAD hosted listening sessions designed to gather technical and operational feedback in addition to broader input on what would make sentencing more fair and just.

MAD asked participants what they wanted to make sure remained in place as the guidelines are updated, and prompted them to provide feedback on problems and potential solutions in several specific topic areas, including:

- Sentencing guidelines grids
- Severity groups

- Criminal history scores
- Sentencing guidelines manual
- Other

## Non-practitioner case study sessions

To support reflection and dialogue among individuals unfamiliar with the technical structure of the guidelines, MAD designed a case study method using [three sample felony cases](#): a drug offense, an unwanted person offense, and a burglary offense. These scenarios invited participants to respond from their own experiences and values, prompting discussions around accountability, safety, harm, healing, and second chances.

This approach helped highlight underlying beliefs and priorities regarding fairness, justice, and proportionality—without requiring participants to have formal legal expertise.

## Efforts to ensure diverse geographic, cultural, and lived-experience representation

MAD developed principles to ensure that the input gathered throughout the engagement approach reflected the state’s full diversity. Key strategies included:

- **Statewide coverage:** MAD hosted at least one in-person or one virtual event for each practitioner region. Participants came from both urban and rural areas.
- **Culturally specific outreach:** Targeted sessions focused on Somali and American Indian communities, two populations with deep insight into the intersection of cultural identity and impacts of the criminal legal system.
- **Lived experience at the center:** Many participants brought firsthand experience with incarceration, addiction, or harm—experiences that also shaped their work as service providers, advocates, or family members.
- **Trauma-informed practices:** Facilitators prioritized emotional safety and invited participants to share what felt meaningful to them, not just what was asked.
- **Adaptability and flexibility:** MAD joined existing events and worked with secondary networks—including attorneys, service organizations, and community leaders—to reach participants who might otherwise be excluded from policy engagement.

This design aimed to broaden the range of voices included in the review. By combining practitioner expertise with input from people impacted by the criminal legal system, and by making space for culturally specific and regional perspectives, the engagement process helped surface diverse understandings of fairness, harm, accountability, and the practical realities of sentencing across Minnesota.

# Perspectives by audience

The following themes and tensions represent a summary of findings from both rounds of engagement. The *Comprehensive review engagement summary* (Appendix A) shares insights from Round 1, and the *Engagement Snapshot: Public Defense and Prosecutors from Hennepin and Ramsey County* (linked to in Appendix B) includes the insights from Round 2 of engagement. This section integrates them to provide a clearer picture of shared concerns and divergent perspectives.

## Shared themes across audiences

Throughout the engagement process, participants from across the state—ranging from legal professionals and system practitioners to people with lived experience—shared several recurring observations and concerns. Despite differing roles, geographies, and perspectives, participants regularly highlighted the following themes:

- **Balancing clarity and complexity:** Participants appreciated the guidelines as a foundational framework but expressed concern that they have become increasingly difficult to apply in practice. Participants, particularly probation officers, public defenders, and county attorneys frequently cited challenges related to criminal history scoring, the treatment of out-of-state offenses, and the application of departure rules.
- **Relative severity:** Participants offered diverging views on what constitutes a proportionate sentence. However, many described drug and property crimes as relatively less severe than person-based offenses, particularly violent and sexual offenses. There was broad agreement that the grid should better reflect this distinction.
- **Disparities in sentencing outcomes:** There was widespread concern that sentencing outcomes continue to reflect disparities—particularly geographic, racial, and socioeconomic. Many participants viewed the structure of the guidelines as an important tool for consistent sentences, but noted that in practice, outcomes still vary significantly depending on the jurisdiction, judge, or access to advocacy.
- **Limits of probation and non-custodial tools:** Participants viewed probation as insufficient to meet goals of rehabilitation or accountability. Participants cited limited access to treatment, mental health services, and housing, as well as high caseloads and rigid technical conditions that often-set people up for failure.
- **Departures as a sign of system misalignment:** Prosecutors and defense attorneys from Hennepin and Ramsey Counties in Round 2 pointed to consistently high departure rates as an indicator that the guidelines are not aligned with current sentencing practices. Rather than relying on departures, many urged the commission to revisit offense severity levels and reevaluate grid consistency.
- **Training and support gaps:** Legal professionals and probation practitioners emphasized the need for more comprehensive training and resources to accurately apply the guidelines. Suggestions included hyperlinked manuals, user-friendly summaries, and greater public education to increase transparency and improve consistent application.
- **Lack of victim influence:** Across different sessions, participants noted that the voices and needs of victims often appear secondary in sentencing decisions. Several emphasized the importance of involving victims more meaningfully, especially in determining the impact and resolution of person-based offenses.

## Tensions across and within groups

Alongside these shared themes, several tensions emerged that reflected deeper philosophical and practical divides among stakeholders:

- **Approaches to public safety and accountability:** While public safety was a widely shared goal, participants held differing views on how best to achieve it. Some emphasized the importance of consistent consequences and incapacitation, while others stressed that long-term safety requires addressing root causes of harm through treatment, support, and restorative practices.
- **Perspectives on incarceration and probation:** There were mixed views about the effectiveness of both incarceration and probation. Some participants questioned the ability of incarceration to prevent future harm, while others doubted the sufficiency of alternatives due to lack of resources or inconsistent application. Several noted that current supervision structures may not support success, particularly given high caseloads and limited-service availability.
- **Consistency and individualization:** There was shared appreciation for consistency, yet participants had different suggestions of how that would be achieved—either by aligning presumptive sentences to meet departure practices or by narrowing the ability for downward departures. Participants valued consistency at the system level, yet at the same time also valued the ability for courts to consider individual circumstances in sentencing.
- **Use of departures:** Some participants viewed departures as necessary to ensure fairness, while others saw them as a workaround for misaligned severity rankings and a contributor to inconsistency across jurisdictions. Participants also differed in their thinking about departures, either seeing departures as a way to address lack of blame or instead as a way to consider potential for rehabilitation. For example, factors like unemployment or substance use disorder might both reduce blameworthiness (suggesting eligibility for a departure) and at the same time reduce amenability to rehabilitation (suggesting less suitability for a departure).
- **Perceptions of justice:** Definitions of fairness varied. For some, justice meant proportional punishment and predictability; for others, it meant restoration, rehabilitation, and the opportunity for meaningful reintegration.

## Detailed input by stakeholder group

This section presents a summary of themes shared by stakeholder groups that participated in the first round of engagement sessions, as documented in *Comprehensive review engagement summary* (Appendix A). Public defense attorneys from Hennepin and Ramsey Counties also participated in a follow-up session in spring 2025 to ensure deeper metro-area representation, documented in *Engagement snapshot: Public defense and prosecutors from Hennepin and Ramsey County* (linked to alongside other engagement snapshots in Appendix B).

## Corrections and probation practitioners

- Corrections and probation practitioners placed emphasis on achieving equity and consistency in the application of the guidelines, both across different counties and judges. They also emphasized the need for uniformity in sentencing, addressing discrepancies based on location, type of defense, and traits outside an individual's control.
- Participants want to simplify the guidelines and their application. The complexity of the guidelines is a barrier, especially in out-of-state offenses and departures. It would be beneficial to simplify the structure, with fewer exceptions and a clearer process.
- The complexity and inaccuracies in sentencing worksheets heavily impact supervision practitioner workload, suggesting that some tasks, such as worksheet preparation, might be better handled by attorneys or other justice partners.
- There is a desire for clearer, more predictable sentencing outcomes, with greater transparency in departures and fewer variables that introduce discretion in sentencing, potentially leading to inequitable outcomes.

## Prosecutors and county attorney staff

- Prosecutors and county attorney staff shared a desire to expand the grid to offer longer sentences for people with higher criminal history scores, as well as to add more grids for different offense types.
- Participants expressed a desire for more uniformity and consistency in sentencing. In general, they wanted that consistency to be achieved through fewer downward departures.
- There was variation in perspectives across prosecutors on a range of topics, including fundamental questions of whether Minnesota's overall level of incarceration is too low or too high.

## Public defense, other defense attorneys, and legal aid providers

- Defense attorneys and legal aid providers generally felt that the guidelines are too punitive and offenses seen as low level are nonetheless assigned a high level of severity.
- Participants valued the ability to downward depart in order to recognize mitigating life circumstances.
- They expressed a desire for additional education and training for practitioners as well as resources and tools to educate the public.

## Public defense and prosecutors (Round 2-Twin Cities)

- Participants viewed high departure rates as a sign that certain offenses may be misclassified. Participants suggested reviewing which offenses are receiving high levels of departures and adjusting severity levels accordingly.
- Participants questioned the effectiveness of mandatory minimums, especially for gun-related offenses, and how they aligned with public safety goals.
- People raised concerns that the original intent of the guidelines—to reduce discretion and inconsistency—has led instead to an avoidance of departures, limiting individualized decision-making.

- Practitioners described a need for clearer public education on the rationale behind the guidelines, particularly around the use of probation for medium- to low-level felonies.
- Participants saw the design of the drug grid as misaligned when modeled after the violence grid and described failed treatment as a probation violation as inequitable.
- Participants expressed a sense that the system requires them to work around the guidelines, rather than use them as effective tools for justice.

## **Crime victims and advocates**

- Crime victims and advocates said that ensuring victim safety and holding offenders accountable are key goals that are not always achieved. They said that sentences may not provide adequate deterrence, and the system does not sufficiently prioritize removing violent offenders from victims or society.
- Participants stated that probation periods are too long and do not effectively address underlying issues, particularly in drug cases.
- Participants expressed a desire for sentencing options to include rehabilitation-focused programs, such as mandatory treatment for substance use and domestic violence, rather than solely punitive measures.
- They shared the concern that leniency in sentencing for domestic violence cases increases risks for victims.
- Participants said that inconsistent use of judicial discretion, especially with downward departures, can compromise victim safety.
- There was a general concern that sentences fail to address critical aspects of the offender's behavior.

## **Formerly incarcerated people and advocates**

- Formerly incarcerated people and advocates wanted expanded options available as part of sentencing—for example, treatment programs, restitution, and community service. They said that the criminal justice system continues to focus too narrowly on incarceration.
- There was a desire to use sentencing to address root causes and repair harm.
- While there were differences in opinion on appropriate sentences, many participants felt sentences for drug and property crimes were too harsh and that sentences for person crimes were too lenient, especially unwanted person and domestic violence cases.
- Participants focused on how crimes impacted victims in determining appropriate sentences—for example, stealing all of someone's possessions or violating their sense of safety was seen as more severe than stealing from a store even if the amount stolen was the same.

## **Treatment and rehabilitation service providers**

- Providers focused on addressing the root causes of issues. They encouraged alternative forms of sentencing beyond prison and probation, including culturally aware treatment, community service, restitution, and restorative justice.
- Felony convictions have long-term implications on whether individuals can access housing and employment after a conviction. Participants noted that even if a sentence is stayed, the felony



conviction can make it hard to get a job and housing. Participants were against criminalizing homelessness and poverty.

- Among the cases presented, participants only recommended prison in the case of an unwanted person due to the safety concerns and need to protect the ex-girlfriend from possible violence.
- The drug and burglary case studies each involved a 23-year-old, and participants noted in both cases how young the individuals were and the negative impacts of a felony on the rest of their lives.

## **Law enforcement (survey only)**

- Law enforcement survey participants expressed a need for more emphasis on victim input.
- There was a desire for more consistency in sentencing through fewer downward departures.
- They shared that prison is more appropriate than probation for violent and repeat offenses.
- Survey respondents also said that alternative forms of punishment should be used for non-felony cases and cases where there is amenability to probation.

## **Judicial branch (separate process)**

The judicial branch opted to conduct a separate internal process to gather input from judges, results of which were [shared at the October 2024 commission meeting](#).

# Perspectives by topic

## Methods for topic prioritization and analysis

### Topic prioritization process

During the October 2024 MSGC meeting, MAD presented snapshots of engagement feedback (see Appendix B) and facilitated a conversation with commissioners to identify what stood out to them from each audience. In addition, MAD facilitated a conversation on the patterns and themes found across all the presentations and sources of information the commissioners had received, including from MAD, the University of Minnesota, and the Minnesota Judicial Branch.

Based on input from practitioners, the public, and researchers, MAD facilitated an exercise for commissioners to identify and prioritize areas for action. MAD then grouped these areas into (1) areas for action within the commission's direct scope (within the sentencing guidelines), (2) areas for action that could become recommendations to the legislature or other partners, and (3) areas for action that were clearly out of the commission's scope. Because there is overlap across the three areas, these were presented as ways to focus and frame future work rather than mutually exclusive categories.

The commission prioritized areas within the direct scope using a dot voting exercise to select where there was the most energy and what would most benefit from further discussion and input from the commissioners, practitioners, the public, and researchers.

### Topics prioritized by commission

Focus areas with high level of prioritization by commissioners (six to ten dot votes):

- Review relative severity levels
- Simplify guidelines/manual
- Changes to criminal history score
- Revisit departures

Focus areas with moderate level of prioritization by commissioners (one to four dot votes)

- Review data on disparities
- Non-custodial dispositions and probation
- Proportionality of offense, history
- Address rising presumptive incarceration rate
- Expand training

Focus areas not prioritized by commissioners (zero dot votes):

- Use of monetary penalties
- Revisit purposes and principles

Areas for recommendations to the legislature or other partners (not voted on):

- Design mechanisms for victim input
- Resources for community supports
- Wider range
- Larger changes to mandatory minimums

Out of scope (not voted on):

- System critiques

## Topic analysis process

To identify themes by topics prioritized by the commission, MAD reanalyzed notes from engagement sessions with practitioners and members of the public. These sessions sought broad feedback on challenges and potential improvements to the guidelines. The sessions did not directly ask participants to propose specific changes to the topic areas. While themes related to these topics emerged, these were not the primary focus of the conversations, limiting the depth of detail provided.

Suggestions described below were shared by one or more participants in an engagement session. MAD did not test the level of agreement among participants, and as a result these ideas may or may be shared by other practitioners and members of the public.

## Severity levels

### Overall themes related to offense severity levels

- **Lack of uniformity:** Practitioners noted inconsistencies in how severity levels are assigned, particularly in offenses with multiple methods of commission.
- **Person vs. non-person offenses:** Both practitioner and public sessions recommended higher severity levels for person offenses (e.g., assaults) and lower levels for non-person offenses (e.g., drug crimes).
- **Nuance in property related offenses:** Mixed opinions emerged. Prosecutors emphasized the need for stronger consequences for property crimes, while others expressed concerns about proportionality. Public participants noted that certain property crimes had greater impact on individuals than others.
- **Nuance in Domestic Abuse No Contact Order (DANCO) related offenses:** Mixed opinions emerged. Public defenders emphasized distinguishing between dangerous and minimal violations, noting disproportionate impacts on clients of color and concerns about parity with assaults. While others

highlighted challenges in prosecution, insufficient severity levels for domestic violence offenses, and the significant harm caused by relationship power and control dynamics.

- **Attempts vs. completions:** Participants suggested ranking attempts lower than completed offenses to reflect differing levels of harm.
- **Changes to sentencing grids:**
  - Both practitioner and public participants recommended a separate violent crime grid to highlight the distinct severity of violent crimes.
  - Practitioner participants suggested merging the drug and standard grids for simplicity.
  - Public and practitioner suggestions included simplifying levels and adjusting thresholds for felonies.
- **Victim-centered considerations:** Both practitioner and public participants emphasized considering the physical, emotional, and psychological harm experienced by victims when ranking the severity level of offenses.
- **Periodic review and research:**
  - Participants recommended regular reviews to ensure rankings remain up to date and reflective of justice principles.
  - Participants highlighted data on sentencing departures as a tool for identifying misclassified offenses.

## Specific offenses highlighted

### Person offenses

- **Domestic Assault by Strangulation:** Participants suggested higher severity rankings to reflect the seriousness of certain violent offenses, including domestic violence, riot 1, and criminal vehicular homicide. Participants emphasized the lethality risk of violent offenses, recommending an increased severity level for violent offenses, for example compared to no-contact order violations.
- **Assault (4th Degree):** Considered disproportionately low in severity, particularly assaults on officers. Participants suggested raising its ranking to at least level 5.
- **Fleeing Police in a Motor Vehicle:** Participants argued that the current ranking undervalues the significant public safety risk and suggested increasing its severity.
- **Criminal Vehicular Homicide:** Several participants proposed increasing its presumptive sentence, as they viewed the current penalty (48-month commitment) as insufficient.
- **Sex Offenses:**
  - **Possession of Child Pornography:** Participants called for higher rankings and fewer stayed sentences for Child Sexual Abuse Material.
  - **Criminal Sexual Conduct (CSC 3):** Participants described current severity levels as too low, with some advocating for an increase to better reflect culpability.

## Non-person offenses

- **Drug crimes:**
- Participants viewed severity levels for possession offenses as disproportionately high. They viewed the drug grid, particularly for D6 and D7 offenses, as needing reform to allow for more presumptive probation up until 4–5 criminal history points. Participants considered the severity rankings for drug offenses generally as too high and said they should not mirror the standard grid, especially given trends toward decriminalization.
  - Participants suggested reclassifying 3rd-degree possession offenses in prohibited zones to a lower severity level.
- **Theft offenses:**
  - Participants suggested reducing severity levels for property-related offenses, including possession of burglary tools, to better reflect their impact.
  - Simplify rankings and adjust thresholds for felony theft to better reflect the harm caused.
  - Participants noted that identity theft involving multiple victims was being overly penalized compared to violent offenses.
- **Traffic-related offenses:**
  - Participants described rankings as inconsistent, with some offenses involving significant public safety risks while others did not. Participants recommended a more nuanced ranking system.

## Simplification

### Overall themes related to simplification

- Participants appreciated the simplicity of the guidelines as a framework, alongside expressing frustration that they have grown too complex, especially in handling out-of-state offenses, criminal history scores, and departure rules.
- Practitioners appreciated the simplicity of the current grid structure where severity and criminal history score determine a presumptive sentence especially when communicating with clients or members of the public.
- Prosecutors as well as public defenders, defense attorneys, and legal aid providers said that the simplicity of the grid's format supports consistency and uniformity as well as crime victim and client communication.
- Law enforcement practitioners said that practitioners just following the guidelines would simplify the process.

### Suggestions for simplification

- Corrections and probation practitioners called for simplification of the guidelines and their application. They described the complexity of the guidelines as a barrier, especially in out-of-state offenses and departures. Participants suggested simplifying the structure, with fewer exceptions and a clearer process.

- Corrections and probation practitioners said that the current manual is too wordy and complex, and expressed a desire to see updated categories and formatting as well as additional reference tables and “go-to” guides.
- Corrections and probation practitioners said that the MSGC website is easy to use, and well organized despite the current complexity of the guidelines.
- Prosecutors recommended reorganizing the manual, in particular how commentary is structured within the manual.
- Prosecutors also recommended simplifying the descriptions and organization of mandatory minimums in the manual. Public defenders, defense attorneys, and legal aid providers said that the grid and manual need some way to denote mandatory minimums.
- Public defenders, defense attorneys, and legal aid providers said that reference tables such as severity level by statutory citation were extremely useful to navigating the guidelines.

## Criminal history scores

### Overall themes related to criminal history scores

- Practitioners found out-of-state criminal history scores challenging to document and verify, resulting in substantial time spent and frequent errors.
- Corrections and probation practitioners generally supported the key role of criminal history in determining a presumptive sentence, although at least one participant noted that it can exacerbate disparities in sentencing. Several said that the underlying conduct of the offense should matter more than the sentence imposed.
- Crime victims and advocates said that ensuring victim safety and holding offenders accountable are key goals that are not always achieved—sentences may not provide adequate deterrence, and the system does not sufficiently prioritize removing violent offenders from victims or society.

### Suggestions for criminal history scores

- Prosecutors and corrections and probation practitioners suggested either counting custody status as a full point or removing it altogether. At a minimum, practitioners said half points should add together, for example 0.5 custody status points and 1.5 felony points should add to 2 points. Currently, given rounding of half points, someone who is on supervision and has a prior conviction can be treated the same as someone who has not been convicted and is not on supervision.
- Corrections and probation practitioners said that their loss of access to Minnesota Court Information System (MNCIS) added time and reduced accuracy of worksheets.
- Corrections and probation practitioners suggested that supervision practitioner workload is heavily impacted by the complexity and inaccuracies in sentencing worksheets. They suggested that attorneys or other justice partners may be better able to handle tasks such as worksheet preparation.

- Corrections and probation practitioners also recommended creating a reference table for some out-of-state offenses and their equivalent in Minnesota.
- Law enforcement practitioners said that repeat offenders should be held accountable, but also that there is no reason someone should have to be convicted of multiple felonies before they are sentenced to prison.
- Prosecutors expressed a desire to expand the grid to offer longer sentences for people with higher criminal history scores.
- When calculating misdemeanor/gross misdemeanor offenses, prosecutors said that units should either always be counted or always not counted (when also used for enhancement purposes). Public defenders, defense attorneys, and legal aid providers said that guidelines should eliminate the consideration of prior gross misdemeanor and targeted misdemeanor convictions when calculating criminal history scores.
- Prosecutors recommended MSGC involvement in pre-plea sentencing worksheets.
- Prosecutors also recommended that decay periods should vary between more serious and less serious offenses.
- Public defenders, defense attorneys, and legal aid providers said that the grid should be recalibrated to reflect the fact that the average person interacting with the criminal justice system has more criminal history than in prior decades.

## Departures

### Overall themes related to departures

- Participants differed in their thinking about departures, either seeing departures as a way to address lack of blame or instead as a way to consider potential for rehabilitation. For example, factors like unemployment or substance use disorder might both reduce blameworthiness (suggesting eligibility for a departure) and at the same time reduce amenability to rehabilitation (suggesting less suitability for a departure).
- Shared appreciation for consistency, yet with differences of how that would be achieved—either by aligning presumptive sentences to meet departure practices or by narrowing ability for downward departures. Consistency was valued at the system level, alongside interest in consideration of individual circumstances.
- Participants voiced frustration that victim input seems to have little influence on sentencing at either the system or individual level.
- Corrections and probation practitioners expressed a desire for clearer, more predictable sentencing outcomes, with greater transparency in departures and fewer variables that introduce discretion in sentencing and potentially lead to inequitable outcomes.
- Law enforcement practitioners expressed a desire for more consistency in sentencing through fewer downward departures.

- Prosecutors expressed a desire for more uniformity and consistency in sentencing. In general, they wanted that consistency achieved through fewer downward departures.
- Public defenders, defense attorneys, and legal aid providers said that they valued the ability to downward depart in order to recognize mitigating life circumstances.

## Suggestions for departures

- Corrections and probation practitioners suggested clarification of specific aggravating/mitigating factors as rationales for departures. For example, they suggested that amenability to probation should require more specific criteria. Public defenders, defense attorneys, and legal aid providers also said that the guidelines should provide more direction on mitigated departures, since different judges interpret and apply them differently—while at the same time, they also said that courts should maintain discretion to consider the individual person, and that judges should not be limited to the listed factors for departures.
- Corrections and probation practitioners also recommended that there be limitations on stays of adjudication, for example on violent or repeat offenses.
- Crime victims and advocates said that inconsistent use of judicial discretion, especially with downward departures, can compromise victim safety and that leniency in sentencing for domestic violence cases increases risks for victims.
- Formerly incarcerated people and advocates suggested that the system should focus on a crime’s impact on the victim in determining appropriate sentence or any departure. For example, they viewed stealing all of someone’s possessions or violating their sense of safety as more severe than stealing from a store even if the amount stolen was the same.
- Public defenders, defense attorneys, and legal aid providers said that a defendant’s status as a crime victim of other offenses should be considered a mitigating factor in their own sentencing.

## Disparities

### Overall themes related to disparities

- Geographic, racial, economic, and educational disparities continue to shape sentencing, leading to inequitable outcomes.
- Participants shared in their appreciation for consistency, but differed in their perspectives of how that would be achieved—either by aligning presumptive sentences to meet departure practices or by narrowing the ability for downward departures. Participants valued consistency at the system level, alongside interest in consideration of individual circumstances. [Note: Theme repeated from above]
- Both practitioner and public session participants stressed that jurisdictional disparities in charging decisions reinforce systemic biases and racial inequities. For example, public defenders, defense attorneys, and legal aid providers noted that the same set of facts are currently charged differently across counties.



- Corrections and probation practitioners placed an emphasis on achieving equity and consistency in the application of the guidelines, both across different counties and judges, calling for uniformity in sentencing, and addressing discrepancies based on location, type of defense, and traits outside an individual's control.
- Participants in engagement sessions that focused on Native communities said that Native people have always been disproportionately impacted—both as victims of crime and as incarcerated people. They expressed a deep distrust in the criminal justice system overall.
- Participants in an engagement session that focused on Black and African American communities advocated for a focus on root causes, including greater use of non-custodial dispositions such as treatment and community service.

## **Suggestions for disparities**

- Prosecutors recommended more frequent and more granular studies of disparities, examining racial disparities alongside economic, educational, and geographic disparities. In addition, they recommended that future studies should focus on disparities in both presumptive sentences and in departures, plea agreements, and judicial sentencing practices.
- Prosecutors also raised concerns about geographic disparities across counties and judicial districts within Minnesota as well as between Minnesota and neighboring states.

## **Non-custodial dispositions and probation**

### **Overall themes related to non-custodial dispositions and probation**

- Participants expressed frustration that probation is an inadequate tool for preventing recidivism or promoting rehabilitation, in part because of understaffing and insufficient access to services and supports. In turn, these limitations create new challenges in maintaining compliance with supervision.
- The engagement process shed light on the different visions participants had for the purposes of incarceration and probation.
- Participants were skeptical of the effectiveness of incarceration, and of the effectiveness of any alternatives to it.
- Some participants felt that punitive measures should be strictly enforced to ensure accountability and public safety, while others believed that true accountability and public safety can only be achieved through restorative practices rather than traditional punishment.

### **Suggestions for non-custodial dispositions and probation**

- Crime victims and advocates said that probation periods are too long and do not effectively address underlying issues, particularly in drug cases. They expressed a desire for sentencing options to include rehabilitation-focused programs, such as mandatory treatment for substance use and domestic

violence, rather than solely punitive measures. Finally, they said that sentences can fail to address critical aspects of the offender's behavior.

- Formerly incarcerated people and advocates as well as treatment and rehabilitated services providers suggested expanding the options available as part of sentencing, saying that the criminal justice system continues to focus too narrowly on incarceration. They suggested options including treatment programs, counseling, family therapy, restitution, and community service. There was a desire to use sentencing to address root causes and repair harm.
- Formerly incarcerated people and advocates had various perspectives on mandatory treatment programs. One person noted that mandatory treatment “saved their life,” while others noted that if people are not ready for treatment, it is less likely to be effective.
- Formerly incarcerated people and advocates also said that long probation terms were unhelpful and essentially “waiting for something to happen.”
- Law enforcement practitioners said that prison is more appropriate than probation for violent and repeat offenses and that alternative forms of punishment should be used for non-felony cases and cases where there is amenability to probation.
- Treatment and rehabilitative services providers urged focus on addressing the root causes of issues, encouraging alternative forms of sentencing beyond prison and probation, including culturally aware treatment, community service, restitution, and restorative justice. They added that felony convictions have long-term implications on whether individuals can access housing and employment after a conviction. Participants noted that even if a sentence is stayed, the felony conviction can make it hard to get a job and housing. Participants were against criminalizing homelessness and poverty.

## **Rising presumptive incarceration rate**

### **Overall themes related to rising presumptive incarceration rate**

- Participants had wide variation in perspectives on the fundamental question of whether Minnesota's overall level of incarceration is too low or too high.
- Law enforcement practitioners said that prison is generally appropriate for felony offenses, particularly violent offenses and repeated felony offenses, even non-violent ones.
- Public defenders, defense attorneys, and legal aid providers also suggested that we can use decades worth of data on departure rates to identify offenses where we should no longer presume prison under the sentencing guidelines.
- Public defenders, defense attorneys, and legal aid providers said that incarceration should only be used sparingly to promote public safety, with the recognition that incarceration often creates trauma and hardship not only for the defendant but also their family.
- Public defenders, defense attorneys, and legal aid providers said that we should be using prison less frequently and stop sending people to prison as a presumptive sentence for drugs, thefts, or no contact orders.

- Treatment and rehabilitation services providers said that incarceration is most appropriate when there are safety concerns, for example in cases of domestic violence or imminent self-harm. They noted the long-term effects of a felony conviction on access to housing and employment.

## Expanded training

### Overall themes related to expanded training

- Participants appreciated the existing training resources and had a desire for additional training.
- Comprehensive, ongoing training on the sentencing guidelines for practitioners (particularly for probation officers, attorneys, and judges) could reduce errors and inconsistencies in applying the guidelines.
- Corrections and probation practitioners appreciated the responsiveness and expertise of MSGC staff.
- Public defenders, defense attorneys, and legal aid providers expressed a desire for additional education and training for practitioners as well as resources and tools to educate the public.

### Suggestions for expanded training

- Prosecutors and corrections and probation practitioners recommended additional resources and clarification (for example, tip sheets and diagrams) on topics such as consecutive and concurrent sentences.
- Corrections and probation practitioners recommended ongoing virtual trainings, including yearly refreshers on annual law changes.
- Corrections and probation practitioners said that existing automated elements of the electronic worksheet system (for example, system alerts and automatic calculations) are helpful to reinforce training and reduce errors.
- Public defenders, defense attorneys, and legal aid providers recommended expanded training for trial judges and district court judges.

# Acting on engagement feedback

## Work already underway

MSGC's recent work has already begun to act on participant input in a few critical areas:

- **Review of offense severity levels:** Prosecutors, defenders, probation officers, and formerly incarcerated individuals pointed to perceived misalignments in offense rankings—particularly the relative severity of drug, property, and person-based crimes. Commissioners have made severity levels an area of focus in recent meetings.
- **Criminal history score reform:** There was feedback across participant groups that criminal history scores are overly complex, inconsistently applied, and can reinforce inequities. The commission prioritized this area for reform, and commissioners have begun work on this area.
- **Guideline simplification:** Participants across audiences—particularly supervision practitioners and legal professionals—emphasized the need to streamline the guidelines manual, scoring procedures, and application rules. The commission responded by making simplification one of its highest-priority areas for action, and MSGC staff has begun work in this area.
- **Revisiting departures:** While participants held different views on the use of departures, many said that high departure rates were a signal of system strain and reflect deeper issues. Commissioners prioritized revisiting departures; this work could include using data on departures as part of the ongoing review of severity levels and to further examine geographic, racial, and economic disparities.

## Areas of future work

Several themes raised from practitioners and the public have not yet been addressed and remain important areas of work for MSGC to address in the future:

- **Expand non-custodial sentencing options:** Many participants—especially formerly incarcerated people, crime victims, and treatment providers—said that probation is not effective at preventing recidivism or promoting rehabilitation and emphasized the need to expand the use of alternative non-custodial sentencing options and expand access to services. The commission identified non-custodial dispositions as a potential focus area, and identified resources for community supports as a related area for possible legislative recommendations from the commission.
- **Develop systems for victim input:** Participants across groups raised concerns about the lack of meaningful mechanisms for victim input in sentencing. The commission categorized this issue as an area for possible legislative recommendations from the commission.
- **Revisit purposes and principles:** The foundational goals of the guidelines—including how public safety is defined—were a common theme among public participants. The commission identified this as a potential focus area, although it received a low level of prioritization as part of this review.

## Preserving input for future

One of the commission's formally adopted objectives for this review was to ensure that the public and commission are confident that the review process was transparent, inclusive, and thoughtfully executed. Meeting that objective requires reflecting the variety and complexity of the feedback received, as well as documenting it for the future.

As the commission continues its work, it is important to preserve input from this process. Transparency in policy or decision-making does not mean that all input will be reflected in final decisions. Rather, it means clearly documenting input received and decisions made, acknowledging tensions and gaps where they exist. This is especially important in systems where trust has historically been broken and where the stakes are high.

Preserving this input in the public record advances goals of transparency and accountability. In addition, it enables a feedback loop with participants. Without it, future policymakers risk repeating a pattern of collecting input without showing how it was used and returning to communities without acknowledging or building on their past contributions. Documenting public input creates institutional memory and ensures that future efforts can build on what has already been shared.

For topic areas where the commission is not prepared to act as part of the current comprehensive review, the input gathered can still be useful for future work by the commission itself, as well as for future work by other parts of government and by community partners.

# Recommendations for future engagement

Engagement sessions held as part of this review demonstrated a widespread appetite among both practitioners and the public to engage with the sentencing guidelines, as well as to address sentencing as a system connected to community safety, rehabilitation, and prevention.

Based on MAD's experience of engagement as part of the comprehensive review, MSGC could build its own engagement capacity in several important ways:

- **Strengthen practitioner-facing tools and training:** The process of simplifying guidelines should also include expanded education, consistent tools, and stronger support for those tasked with implementation. This helps translate reform into practice.
- **Institutionalize ongoing public and practitioner engagement:** Ongoing engagement throughout policy and guidelines development is essential. Future commission efforts should create touchpoints that allow for iterative feedback as proposals are shaped and implemented. In addition, commissioners and MSGC staff should continue to invest in developing relationships with organizations that can help MSGC reach people skeptical of engaging with the criminal justice system because of prior experiences of harm or exclusion.
- **Develop new mechanisms for victim and community voice:** The commission and its partners should invest in new structures to gather and incorporate the perspectives of those impacted by both crime and the criminal legal system. At formal meetings, current public comment opportunities are limited, often scheduled at the very end of lengthy meetings, requiring people to wait for the chance to speak for one or two minutes, without any response or engagement. This structure reinforces a one-way communication model and risks sending a message that community voices are peripheral rather than integral to the process. MSGC should explore other formats for additional engagement, such as commissioner-led listening sessions.
- **Explore sentencing data alongside practitioners and the public:** Future engagement could incorporate additional data on sentencing outcomes, disparities, and recidivism. Analyzing and interpreting sentencing data with practitioners and members of the public would help MSGC identify areas of misalignment and opportunities for further changes. Doing so would also create a feedback loop with practitioners and impacted communities to ensure that guidelines changes produce their intended impact—and to course-correct when they do not.
- **Connect sentencing to broader system changes:** Many of the root causes identified by participants—such as challenges with substance use, mental health, housing insecurity, and racialized criminalization—extend beyond the guidelines. Ongoing work should explore how sentencing fits within broader public safety and public health strategies.

This moment calls for a commitment to continuous learning. Minnesota's sentencing system will not be "fixed" once and for all in a single revision. As societal values shift and data on implementation become available, MSGC should continue to revisit the guidelines with humility and rigor. This review process has revealed deep insights not only about the guidelines themselves, but about the communities they affect and how MSGC can best engage with practitioners and the public. Honoring those insights means carrying them forward, even beyond the bounds of this review.

# Appendix A

## Comprehensive review engagement summary (Fall 2024)

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**November 27, 2024**

As part of its comprehensive review of Minnesota’s felony sentencing guidelines, the Minnesota Sentencing Guidelines Commission (MSGC) partnered with Management Analysis and Development (MAD), a section within Minnesota Management and Budget (MMB), to get input from practitioners and the public to better understand current strengths, challenges, and opportunities for improvement with the current sentencing guidelines.

### Engagement process

In March through July 2024, MAD hosted seventeen engagement sessions, reaching Minnesotans across a range of geographic regions, professional roles, and personal lived experiences.

- **Corrections and probation practitioners:** MAD held five sessions with a total of forty-five participants. The professionals who participated in the sessions held diverse roles and managed a wide range of caseloads. Their specialties included traditional probation, high-risk and sex offender supervision, court services, and juvenile cases. Many participants were experienced in conducting presentence investigations (PSIs), with some serving as PSI writers or supervisors. Their collective years of experience spanned from junior-level agents to seasoned professionals in leadership positions across Minnesota’s correctional supervision systems.
- **Crime victims and advocates:** MAD held three sessions with a total of fifteen participants, including crime victims, crime victim advocates focused on domestic abuse and sexual violence, and public safety advocates focused on general crime. Participants represented a range of geographies, including the Twin Cities and Greater Minnesota. They included family members and advocates from the American Indian community, business owners, policy analysts, treatment providers, and housing advocates.
- **Formerly incarcerated people and advocates:** MAD held three sessions with a total of twenty-three participants including formerly incarcerated people, family members of incarcerated people, service providers, and advocates for incarcerated people. While participants were recruited for sessions based on these lived experiences, participants often had a range of other experiences with the criminal justice system, such as also being victims of crime, that informed their perspectives. Participants were mostly from the Twin Cities, although some worked for organizations that worked statewide.
- **Prosecutors and county attorney staff:** MAD held two sessions with a total of seventeen participants; in addition, three people from this audience group completed a survey offered as an alternative method of input. Participants represented a range of geographic regions in the state; however, neither Hennepin County nor Ramsey County had participants in these sessions. As a result, perspectives from Minnesota’s two largest counties are not reflected in this snapshot. While participants were recruited to

these sessions based on their current professional roles, participants often held a range of prior professional and personal experiences with the criminal justice system that informed their perspectives.

- **Public defense, other defense attorneys, legal aid providers:** MAD held two sessions focused on input from public defenders, other defense attorneys, and legal aid providers. The sessions had a total of nineteen participants; in addition, two people from this audience group completed a survey offered as an alternative method of input. The public defenders represented a range of geographic regions of the state, including several American Indian-focused legal aid providers; however, Hennepin County, the state's largest county, did not have participants present. This group included chief public defenders, managing attorneys, and appellate attorneys, reflecting a range of experiences in handling various case types.
- **Treatment and rehabilitation service providers:** MAD held two sessions focused on input from treatment and rehabilitation service providers, specifically focusing on Somali and American Indian communities. The sessions had a total of twelve participants. Participants represented diverse regions, including urban and rural Minnesota.
- **Law enforcement:** Based on feedback from law enforcement partners, law enforcement input was gathered solely through survey responses. Twelve law enforcement practitioners responded to a survey conducted by MAD.
- **Judicial branch:** The judicial branch conducted its own separate engagement process with judges.

With audience groups that had direct familiarity with the sentencing guidelines, these sessions were formatted as listening sessions designed to gather technical and operational feedback in addition to broader input on what would make sentencing more fair and just. For audience groups without direct familiarity with the guidelines, the sessions were designed as case studies that used examples cases of a drug offense, unwanted person offense, and a burglary offense. This format allowed participants to bring in their personal expertise and experiences to discuss the principles and values that would make sentencing more fair and just.

## Engagement findings

In August and September, MAD consultants and MSGC research staff reviewed notes from the engagement sessions and identified common themes. Ahead of the October 10 meeting with the full Commission, MAD developed written "engagement snapshots," which summarized input from engagement sessions by audience. Below are overall themes and tensions MAD identified across audiences, followed by key themes for each audience.

### *Overall themes*

The following themes were shared across multiple audiences from a variety of participants:

1. Appreciation for the **simplicity** of the guidelines as a framework, alongside frustration that they have grown **too complex**, especially in handling out-of-state offenses, criminal history scores, and departure rules.



2. While audiences and participants differed on appropriate sentences, in terms of **relative severity**, drug and property crimes were generally seen as less severe than person crimes, particularly violent crimes and sex offenses.
3. Frustration that **probation is an inadequate tool** for preventing recidivism or promoting rehabilitation, in part because of understaffing and insufficient access to services and supports. In turn, this creates new challenges in maintaining compliance with supervision.
4. Comprehensive, **ongoing training** on the sentencing guidelines for practitioners (particularly for probation officers, attorneys, and judges) could reduce errors and inconsistencies in applying the guidelines.
5. Geographic, racial, economic, and educational **disparities** continue to shape sentencing, leading to inequitable outcomes.
6. Frustration that **victim input** seems to have little influence on sentencing at either the system or individual level.

### *Overall tensions*

The following tensions were present across, and sometimes within, participant audience groups:

1. Different visions for the **purposes of incarceration and probation**.
2. **Skepticism of the effectiveness** of incarceration, and skepticism of the effectiveness of any alternatives to it—including limited understanding and use of alternative sentencing options.
3. Some participants felt that punitive measures should be strictly enforced to ensure **accountability and public safety**, while others believed that true accountability and public safety can only be achieved through restorative practices rather than traditional punishment.
4. Shared appreciation for **consistency**, yet with differences of how that would be achieved—either by aligning presumptive sentences to meet departure practices or by narrowing ability for downward departures. Consistency was valued at the system level, alongside interest in consideration of individual circumstances.
5. Different **ways of thinking about departures** either as a way to address lack of blame or to address potential for rehabilitation. For example, factors like unemployment or substance use disorder might both reduce blameworthiness and reduce amenability to rehabilitation.
6. **General versus technical feedback**. For example, public defenders raised No Contact Order offenses as being treated too harshly due in part to issues of technical application, whereas both the crime victim and formerly incarcerated audiences generally felt that domestic abuse cases, such as the example cases in our engagement sessions, should be treated more seriously relative to other offenses.

### *Key themes from corrections and probation practitioners*

- Emphasis was placed on achieving equity and consistency in the application of the guidelines, both across different counties and judges. Need for uniformity in sentencing, addressing discrepancies based on location, type of defense, and traits outside an individual's control.

- Simplify the guidelines and their application. The complexity of the guidelines is a barrier, especially in out-of-state offenses and departures. Simplify the structure, with fewer exceptions and a clearer process.
- Supervision practitioner workload is heavily impacted by the complexity and inaccuracies in sentencing worksheets, suggesting that some tasks, such as worksheet preparation, might be better handled by attorneys or other justice partners.
- Desire for clearer, more predictable sentencing outcomes, with greater transparency in departures and fewer variables that introduce discretion in sentencing, potentially leading to inequitable outcomes.

#### *Key themes from crime victims and advocates*

- Ensuring victim safety and holding offenders accountable are key goals that are not always achieved—sentences may not provide adequate deterrence, and the system does not sufficiently prioritize removing violent offenders from victims or society.
- Probation periods are too long and do not effectively address underlying issues, particularly in drug case.
- Desire for sentencing options to include rehabilitation-focused programs, such as mandatory treatment for substance use and domestic violence, rather than solely punitive measures.
- Leniency in sentencing for domestic violence cases increases risks for victims.
- Inconsistent use of judicial discretion, especially with downward departures, can compromise victim safety.
- General concern that sentences fail to address critical aspects of the offender’s behavior.

#### *Key themes from formerly incarcerated people and advocates*

- Desire to expand the options available as part of sentencing—for example, treatment programs, restitution, and community service. Criminal justice system continues to focus too narrowly on incarceration.
- Desire to use sentencing to address root causes and repair harm.
- While there were differences in opinion on appropriate sentences, many participants felt sentences for drug and property crimes were too harsh and that sentences for person crimes were too lenient, especially unwanted person and domestic violence cases.
- Focus on a crime’s impact on the victim in determining appropriate sentence—for example, stealing all of someone’s possessions or violating their sense of safety was seen as more severe than stealing from a store even if the amount stolen was the same.

#### *Key themes from prosecutors and county attorney staff*

- Desire to expand the grid to offer longer sentences for people with higher criminal history scores, as well as to add more grids for different offense types.

- Desire for more uniformity and consistency in sentencing, and generally for that consistency to be achieved through fewer downward departures.
- Variation in perspective across prosecutors on a range of topics, including fundamental questions of whether Minnesota's overall level of incarceration is too low or too high.

#### *Key themes from public defense, other defense attorneys, and legal aid providers*

- Guidelines are too punitive and offenses seen as low level are nonetheless given a high severity level.
- Value the ability to downward depart in order to recognize mitigating life circumstances.
- Desire for additional education and training for practitioners as well as resources and tools to educate the public.

#### *Key themes from treatment and rehabilitation service providers*

- Focus on addressing the root causes of issues. Encourage alternative forms of sentencing beyond prison and probation, including culturally aware treatment, community service, restitution, and restorative justice.
- Felony convictions have long-term implications on whether individuals can access housing and employment after a conviction. Participants noted that even if a sentence is stayed, the felony conviction can make it hard to get a job and housing. Participants were against criminalizing homelessness and poverty.
- Among the cases presented, prison was only recommended in the case of an unwanted person due to the safety concerns and need to protect the ex-girlfriend from possible violence.
- The drug and burglary cases each involved a 23-year-old, and participants noted in both cases how young the individuals were and the negative impacts of a felony on the rest of their lives.

#### *Key themes from law enforcement (survey only)*

- Desire for more emphasis on victim input.
- Desire for more consistency in sentencing through fewer downward departures.
- Prison is more appropriate than probation for violent and repeat offenses.
- Alternative forms of punishment should be used for non-felony cases and cases where there is amenability to probation.

#### *Commission feedback*

During the October MSGC meeting, MAD facilitated a conversation with commissioners to identify what stood out to them from each audience, drawing on the engagement snapshots and commissioners' own experiences. In addition, MAD facilitated a conversation surfacing patterns and themes across all the presentations and sources of information the commissioners had received, including from MAD, the University of Minnesota, and the Minnesota Judicial Branch.

## Areas for action

Based on input from practitioners, the public, and researchers, MAD facilitated an exercise for commissioners to identify and prioritize areas for action. These areas were then grouped into (1) areas for action within the commission's direct scope (within the sentencing guidelines), (2) areas for action that could become recommendations to the legislature or other partners, and (3) areas for action that were clearly out of the commission's scope. Because there is overlap across the three areas, these were presented as ways to focus and frame future work rather than mutually exclusive categories.

### *Areas for action within the commission's direct scope*

Areas within the commission's direct scope were prioritized using a dot voting exercise to select the areas where there was the most energy and that would most benefit from further discussion and input from the commissioners, practitioners, the public, and researchers in the coming months.

Focus areas of greatest prioritization by commissioners:

- Review relative severity levels
- Simplify guidelines manual
- Changes to criminal history score
- Revisit departures

Focus areas with moderate prioritization by commissioners:

- Review data on disparities
- Non-custodial dispositions and probation
- Proportionality offense, history
- Address rising presumptive incarceration rate
- Expand training

Focus areas with low prioritization by commissioners:

- Use of monetary penalties
- Revisit purposes and principles

### *Areas for recommendations to the legislature or other partners*

- Design mechanisms for victim input
- Resources for community supports
- Wider range
- Larger changes to mandatory minimums

### *Out of scope*

- System critiques

## **Next steps**

Over the coming year, MSGC will develop changes to the sentencing guidelines focused on the topic areas for action prioritized during the October 10, 2024 meeting: severity levels, simplification, criminal history scores, and departures. In parallel, MSGC staff will continue to implement other changes to MSGC practices based on input gathered during the engagement process, including expanded training.

# Appendix B

## Engagement snapshots

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At the October 2024 commission meeting, MAD shared written “engagement snapshots,” which summarized input from engagement sessions by audience:

- [Engagement snapshot: Corrections and probation practitioners](#)
- [Engagement snapshot: Public defense, other defense attorneys, legal aid providers](#)
- [Engagement snapshot: Prosecutors and county attorney staff](#)
- [Engagement snapshot: Formerly incarcerated people and advocates](#)
- [Engagement snapshot: Crime victims and advocates](#)
- [Engagement snapshot: Treatment and rehabilitation service providers](#)
- [Engagement survey responses: Law enforcement](#)

[Slides MAD used to share these findings and facilitate the discussion are also archived on the MSGC website.](#) Separately, the judicial branch opted to conduct a separate internal process to gather input from judges. The findings from that process were also [shared at the October 2024 commission meeting.](#)

MAD conducted a follow up session in February 2025 with Hennepin and Ramsey County prosecutors and public defenders in response to concerns raised by commissioners regarding the limited participation from these groups in the first round; a snapshot of feedback from this session was shared in March 2025:

- [Engagement snapshot: Public defense and prosecutors from Hennepin and Ramsey County](#)