

Priorities for October MSGC Meeting

- 1. Act** on the budget change items (agenda item 3)
 - *These are due to MMB 10/17; the Commission must approve employee positions.*
- 2. Discuss** any Guidelines amendments desired to take effect in 2023 (sex trafficking review & custody status; agenda items 4 & 5)
 - *To meet time constraints, the Commission must act on proposals to amend the Guidelines NLT the November meeting. Per MSGC meeting rules, the Commission must discuss such a proposal, or a similar or prior version of it, at the September or October meeting.*
- 3. Direct staff** to provide any new research needed for November action (related to agenda items 4 & 5)

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Advancing Sentencing Policy & Data for Minnesota
in Fiscal Years 2024, 2025, and Beyond

Nate Reitz | MSGC Executive Director

Presented to the Commission October 6, 2022

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The Commission's Agency Oversight Role

GENERAL RESPONSIBILITIES OF AN AGENCY OVERSIGHT BODY

- Oversee the agency's operations
- Provide constructive criticism to management
- Where appropriate, make oversight decisions so that the agency achieves its objectives in alignment with the agency's integrity and ethical values
- *GAO Green Book 2.03*

MSGC-SPECIFIC RESPONSIBILITY

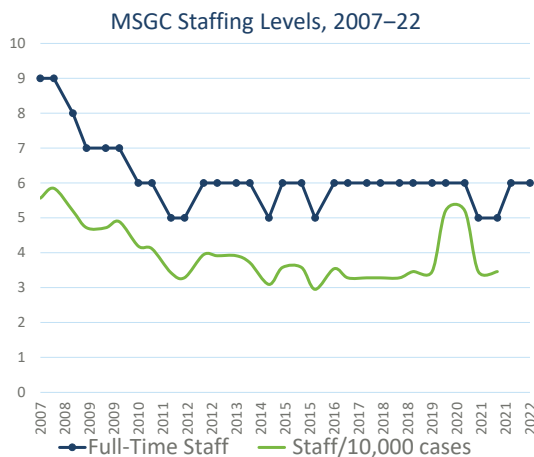
- "The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve."
- *Minn. Stat. § 244.09, subd. 10*

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Agency Staffing Over Past Fifteen Years

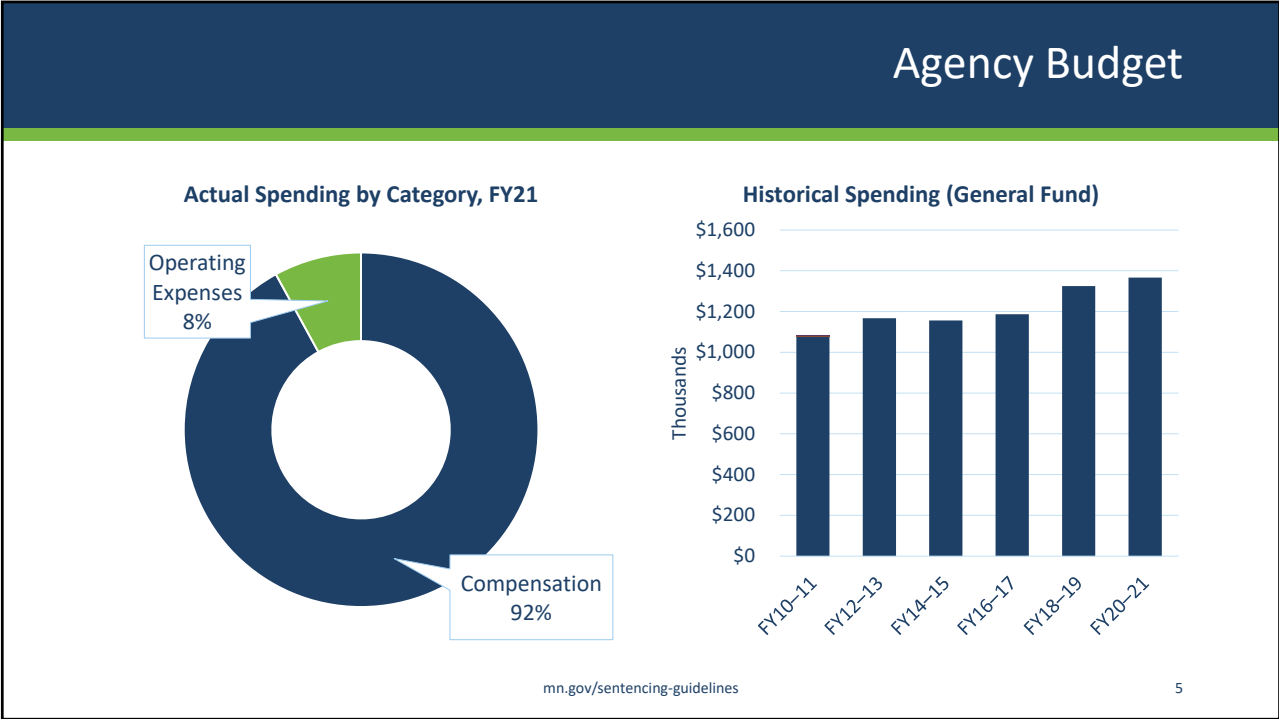


- Currently fewer than 4 staff per 10,000 felony cases sentenced annually
- Compared with 2012, in 2022—
 - Same number of positions
 - Positions at static promotion level
 - In 4 of 6 positions: Personnel stability

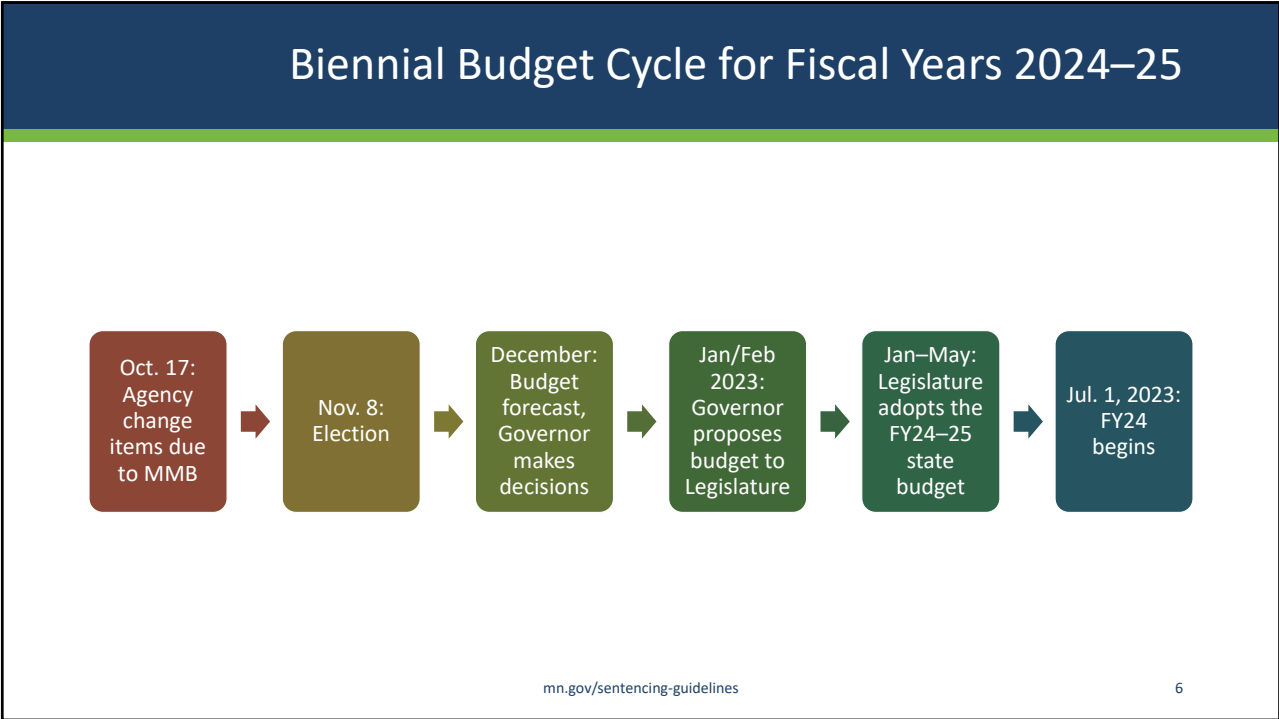
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Four Proposed Change Items



Comprehensively Review the Sentencing Guidelines



Fully Integrate with the Court Information System



Expand Analysis of Sentencing-Related Data



Improve Fiscal Transparency & Agency Independence

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① Comprehensively Review the Sentencing Guidelines

- The Minnesota Sentencing Guidelines—
 - Were the product of an intense but brief effort by the first Sentencing Guidelines Commission (1978–79)
 - Were the first sentencing guidelines in the nation (est. 1980)
 - Structure felony sentences statewide
 - Have been updated many times and reviewed in parts, but never comprehensively
- When the Guidelines were first promulgated, the Commission was not directed, as it is now, to give primary consideration to public safety
- Other sentencing guidelines from the 1980s have recently undergone comprehensive reviews
 - Pennsylvania (est. 1982)
 - Washington (est. 1984)

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Some Questions the Comprehensive Review May Answer

How can the Guidelines maximize public safety?

- Why are criminal history scores increasing?
- Do severity levels reflect culpability/harm accurately?
- How can racial disparities be ameliorated?
- Are the right tools available to address serious & violent crime?
- Why are presumptive sentences increasing?
- What have other Guidelines states learned?
- How can we most efficiently use correctional resources?
- How can the Guidelines be simplified?
- Is the role of criminal history in punishment balanced?
- Why are departure rates so high for many offenses?

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Comprehensive Review – Time & Resources Needed

TIMELINE	RESOURCES REQUIRED
<ul style="list-style-type: none"> • This is a limited-duration project. Funding would be requested for— <ul style="list-style-type: none"> • Phase I (FY24–25) • With anticipated Phase II extension (FY26–27) (cost TBD) • Goal: Report to Legislature no later than January 15, 2027 	<ul style="list-style-type: none"> • For stakeholder engagement & feedback – key to Pa. & Wash. reviews – MSGC will contract with MMB’s Management Analysis & Development (MAD) (cost TBD) • To concurrently evaluate Guidelines in light of goals, MSGC will hire temporary Research Analysis Specialist (\$56,400/yr. + \$35,400 annual IT & benefit costs) + academic consulting svcs. (\$25,000)

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Phase I (FY24–25): Identifying Problems – and Possible Policy Options

	JUL–SEP 2023	OCT–DEC 2023	JAN–MAR 2024	APR–JUN 2024	JUL–SEP 2024	OCT–DEC 2024	JAN–MAR 2025	APR–JUN 2025
MAD	Project planning, including stakeholder analysis	Stakeholder data collection (surveys, focus groups, listening sessions)		Data analysis	Report & recommendations	Review MAD report; identify & request Phase II resources	Plan to implement Phase II (FY26–FY27)	
MSGC		Evaluating Guidelines in light of its stated goals (public safety, uniformity, predictability, rationality, proportionality, neutrality, capacity)		(Break to respond to leg. session)	Review of academic literature, other states' practices			(Break to respond to leg. session)

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② Fully Integrate with the Court Information System

- MSGC receives a monthly data dump from the Minnesota Court Information System (MNCIS)
- Documents are not passed to MSGC, and data changes are not updated, resulting in wasted time and potentially missed information
- Full, real-time MNCIS integration—including documents, not just data—would save time and improve accuracy, enabling quicker and better sentencing data analysis for the public and policymakers
- Costs are anticipated to be a blend of one-time and ongoing
- Cost estimates are being finalized by MNIT

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③ Expand Analysis of Sentencing-Related Data

- MSGC currently collects more data than it has the capacity to analyze (*e.g.*, stay-of-adjudication data)
- Future data integrations will only expand our access to data (*e.g.*, plea-bargaining data through MNCIS integrations; arrest & corrections data through DOC's proposed public safety data infrastructure)
- MSGC has no research staff with time to analyze these data
- Additional research capacity would improve MSGC's fulfillment of its statutory responsibility to be state's clearinghouse and information center for sentencing & related data
 - Possibly: More recidivism research
 - Cost: One permanent, full-time Research Analyst Supervisor, Senior
 - Ongoing annual costs of \$79,500 salary plus \$44,000 for the costs of benefits, info tech. & office space

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④ Improve Fiscal Transparency & Agency Independence

- Although the law requires MSGC to reimburse DOC for administrative services provided, DOC gives MSGC free accounting and human-resources (HR) services
- Instead of money, there is an unwritten interagency barter arrangement—MSGC provides prison population projection assistance to DOC
- In 2002, the Legislative Auditor recommended documenting this arrangement, but that hasn't happened
- A better practice—both for fiscal transparency and agency independence—would be to contract with the Dep't of Administration's Small Agency Resources Team (SmART) for accounting & HR services
 - SmART specializes in meeting the accounting & HR needs of small agencies
 - Annual cost: \$50,000 ongoing

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Advancing Sentencing Policy & Data for Minnesota




Comprehensively Review the Sentencing Guidelines



Fully Integrate with the Court Information System



Expand Analysis of Sentencing-Related Data



Improve Fiscal Transparency & Agency Independence

Through these one-time and ongoing expenditures, the Legislature would—

- Update the state’s aging felony sentencing structure, ensuring that it is redesigned from the bottom-up to promote public safety
- Broaden and deepen MSGC’s data analysis, giving policymakers and the public better tools to make wise decisions in the areas of crime and punishment
- Improve MSGC’s fiscal transparency and agency independence

Does the Commission endorse these change items?

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