

History and Goals of the Minnesota Sentencing Guidelines

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**Why did Minnesota adopt
sentencing guidelines in 1980?**

**How have the goals of the Minnesota
Guidelines evolved over time?**

Original Legislative Goals

- **Reducing sentencing disparities** by limiting and structuring the discretion of judges and abolishing almost all parole release discretion
 - Increasing uniformity and proportionality relative to offense severity and offender prior record
- **Promoting more rational and informed sentencing policy** by creating a sentencing commission, to develop policy, collect data, and monitor implementation, and by authorizing prosecution and defense sentence appeals (appeals also help to reduce disparity)
- **Coordinating sentencing policy with available correctional resources, especially the capacities of state prisons and local jails**

Additional Goals

Goals recognized by the Commission in 1980:

- **Parsimony**
- **Simplicity**
- **Neutrality** with respect to race, gender, social, or economic status of offenders

Goals recognized by the Legislature in later years:

- **Public Safety** as the primary goal (1989)
- **“Truth in sentencing”** -- the actual amount of time the offender spends in prison should be at least as long as the prison term announced at the time of sentencing (1992)

Now let's take a closer look at each of these original and added goals.

[1] Reducing sentencing disparities by limiting and structuring the discretion of judges and abolishing almost all parole release discretion (Increasing uniformity and proportionality relative to offense severity and offender prior record)

- Why was there sentencing disparity before there were guidelines?
 - Pre-guidelines sentencing was highly discretionary (continued on next slide)
- Why did concerns about sentencing disparity increase in the 1970s?
 - Large disparities were documented, and sentencing purposes were changing
- How does the Commission’s “modified just deserts” model reduce disparity, and reconcile conflicting punishment goals?
 - Recommended sentences and departures structure discretion, and reflect both offense severity and offender factors such as criminal history and amenability

The pre-Guidelines “Indeterminate” sentencing system

- The Legislature established high maximum sentences designed to cover the worst possible cases.
- Judges had unregulated discretion to decide whether the offender should be sent to prison, and to select a prison term of any length up to the statutory maximum.
- The parole board had broad discretion to grant prisoners early release if they believed the offender was not likely to commit future crimes.
- Decisions about prison versus probation, the offender’s maximum prison term, and the parole board’s release decision were not subject to any appellate review.

[2] Promoting more rational and informed sentencing policy by creating a sentencing commission to develop policy, collect data, and monitor implementation, and by authorizing prosecution and defense sentence appeals (appeals also help to reduce disparity)

- How does creation of a sentencing commission promote more rational and informed sentencing policy?
 - Prison-use policy is evidence-based, applies state-wide, covers all felonies
- How do prosecution and defense sentence appeals promote better sentencing policy?
 - Appellate courts clarify and develop sentencing rules
 - Errors of interpretation and application are corrected

[3] Coordinating sentencing policy with available correctional resources, especially the capacities of state prisons and local jails

- Why is this goal important?
 - Prison and jail beds are expensive to build and operate
 - Priorities must be set for using the limited available capacities
 - Overcrowded facilities are dangerous, mal-adjusting, and a legal liability
- How did the Commission go about achieving this goal?
 - Developed a computer model to forecast future prison populations
 - Adopted a goal of never exceeding 95% of capacity
 - Used bed-impact forecasts to set priorities in prison use

Additional goals recognized by the Commission in 1980

[4] **Parsimony** – Custody sentences and probation conditions should be no more restrictive than is necessary to achieve the purposes of the sentence.

[5] **Simplicity** – Guidelines rules should be easy to understand and to apply.

[6] **Neutrality** with respect to race, gender, social, or economic status of offenders – differences along these lines are considered to represent particularly problematic forms of disparity.

Additional goals recognized by the Legislature in later years

[7] **Public Safety** as the primary goal (1989)

[8] **“Truth in sentencing”** -- the actual amount of time the offender spends in prison should be at least as long as the prison term announced at the time of sentencing (1992)

Both of these goals had been implicitly recognized in the original guidelines; but in later years they were made explicit, and given greater emphasis.

Additional Policy and Reform Goals Recognized in other State and Federal Guidelines Systems

Encouraging more effective and consistent use of intermediate sanctions (sentences less restrictive than prison but more restrictive than traditional probation, including local jail terms).

Encouraging the use of validated risk assessments at sentencing.

Improving the criminal history score's accuracy as a risk predictor.

Structuring sanctions for violations of release conditions.

Setting fixed terms of post-prison supervision, depending on the crime (in lieu of terms equal to the remaining unserved prison sentence).

Conclusion

Minnesota has long been recognized as a leader in sentencing reform:

- First jurisdiction to implement state-wide sentencing guidelines drafted by a permanent sentencing commission (1980)
- First jurisdiction to use predicted prison-bed impact when formulating sentencing rules and policies (1979); one of the first states to assess predicted racial impacts of sentencing rules and policies (2006)
- One of the most fully-developed guidelines systems (legally binding, no parole discretion, large database, extensive appellate case law)
- The Minnesota model has been strongly endorsed by the American Bar Association (1993) and the American Law Institute (2007)

Other states have adopted many goals, structures, and specific rules first pioneered in MN; in several respects, some states have gone further.

**The Commission should continue to play a central role
in achieving Guidelines goals and
improving the criminal justice system**

The Commission's mandate includes the following provision:

The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, plea bargaining, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing.