



**MINNESOTA**

SENTENCING GUIDELINES  
COMMISSION

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

Kelly Lyn Mitchell, MSGC Chair | Nate Reitz, MSGC Executive Director  
March 2023

# Governor's Request: Five Budget Change Items



Maintain Current Service Levels



Expand Analysis of Sentencing-Related Data



Improve Fiscal Transparency & Agency Independence



Fully Integrate with the Court Information System

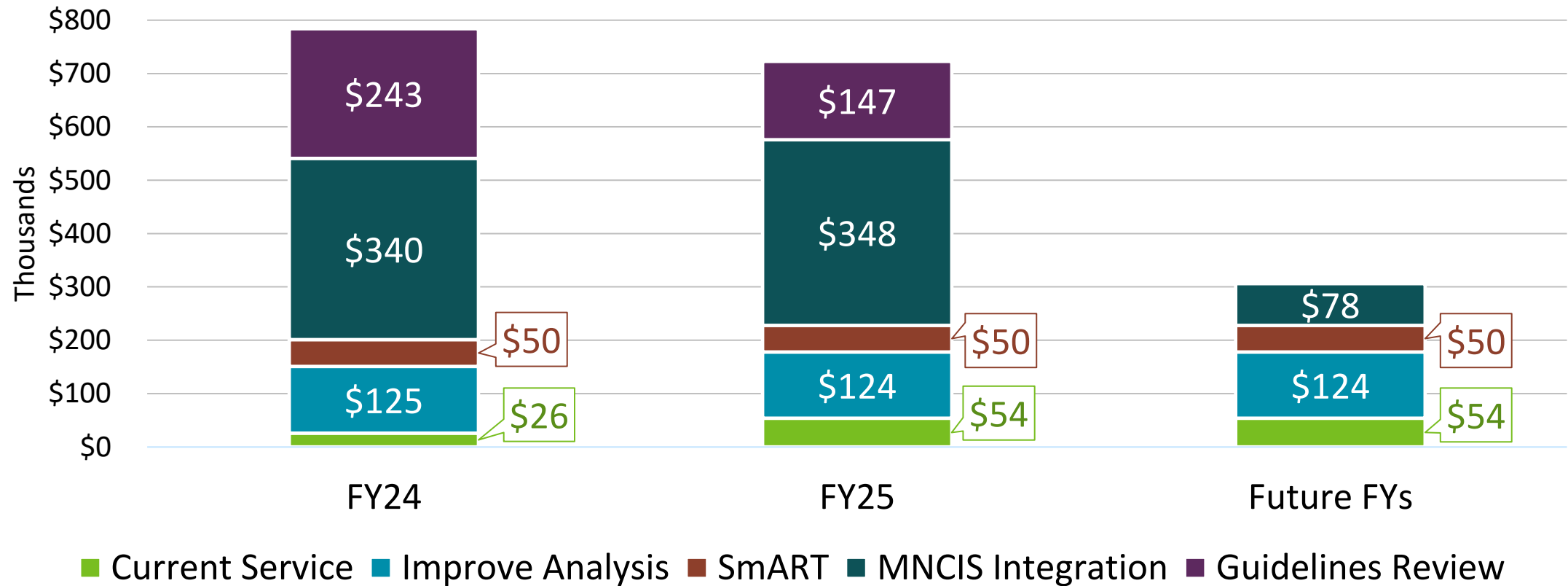


Comprehensively Review the Sentencing Guidelines – Part I

← Requested by the Governor

- Proposed by MSGC staff in consultation with the Commission
- Unanimously supported by Commission
- Requested by the Governor

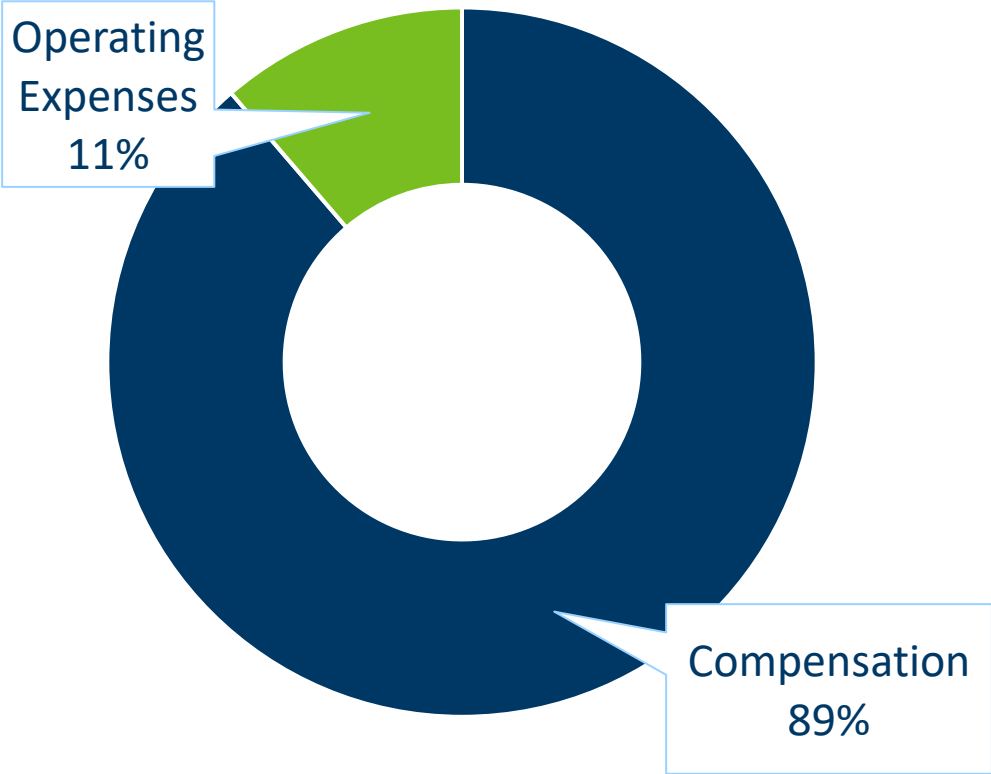
# Cost of Change Items



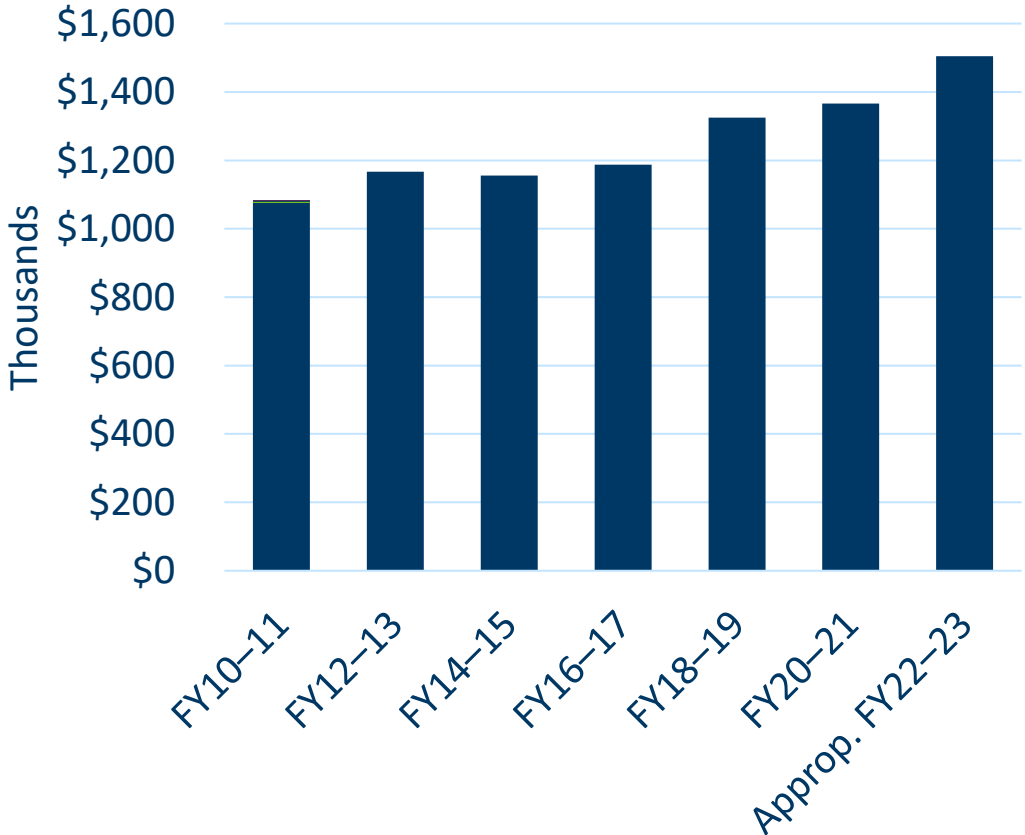
*Annual budget base before change items, \$765,000*

# Existing Agency Budget

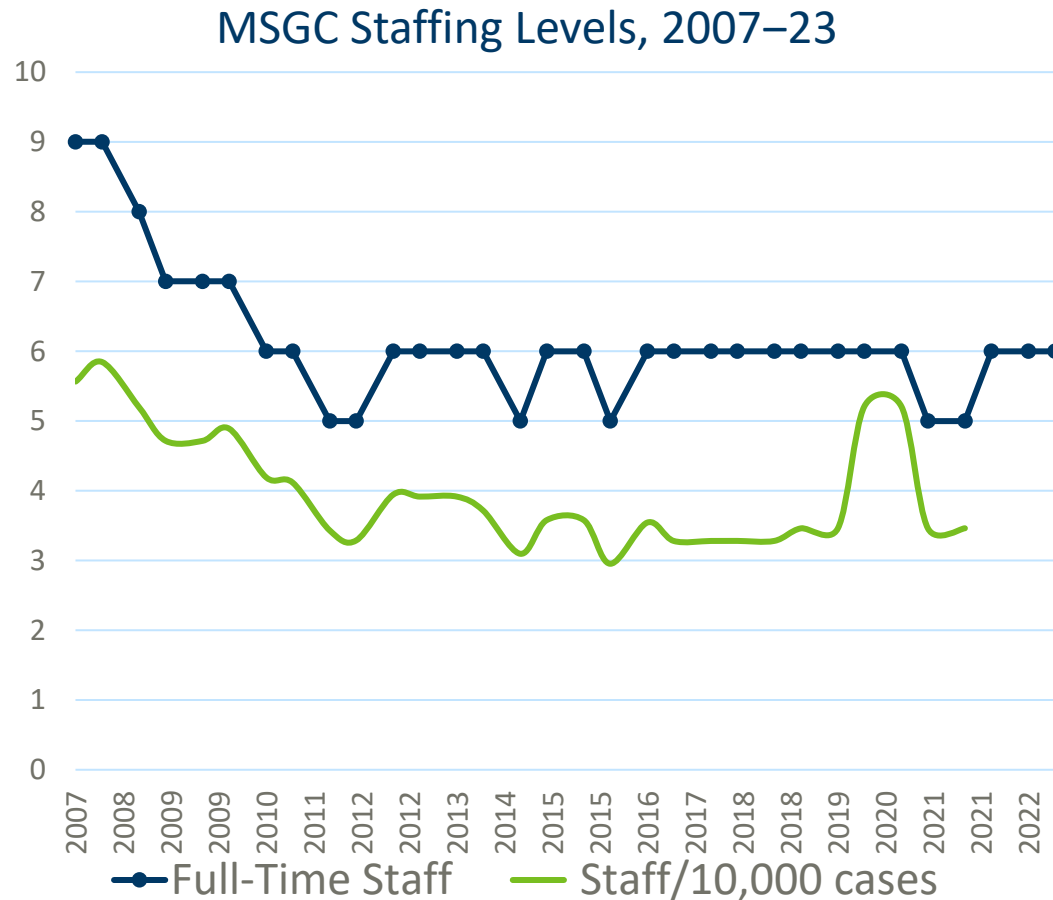
### Spending by Category, Est. FY22–23



### Historical Spending (General Fund)



# Historical Agency Staffing



- Currently fewer than 4 staff per 10,000 felony cases sentenced annually
- From 2010 through 2022:
  - Six positions – no change
  - No increase in any position’s promotion level

# ① Maintain Current Service Levels

Each year, MSGC's six staff members—

- Review approximately 20,000 felony sentencing worksheets for accuracy
  - Answer hundreds of practitioner phone calls
  - Collect, analyze, and report data on statewide sentencing practices
  - Complete hundreds of data requests and fiscal notes, and
  - Conduct research to support the Commission's ongoing work
- This small staff efficiently facilitates the functioning of Minnesota's statewide felony sentencing system
  - The Governor requests \$26,000 in FY24 and \$54,000 in the years that follow to maintain "the same level of service that the office provides without having to decrease FTEs"

## ② 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 \$124,000 (\$80,000 salary plus \$44,000 for benefits, info tech. & office space)

### ③ 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



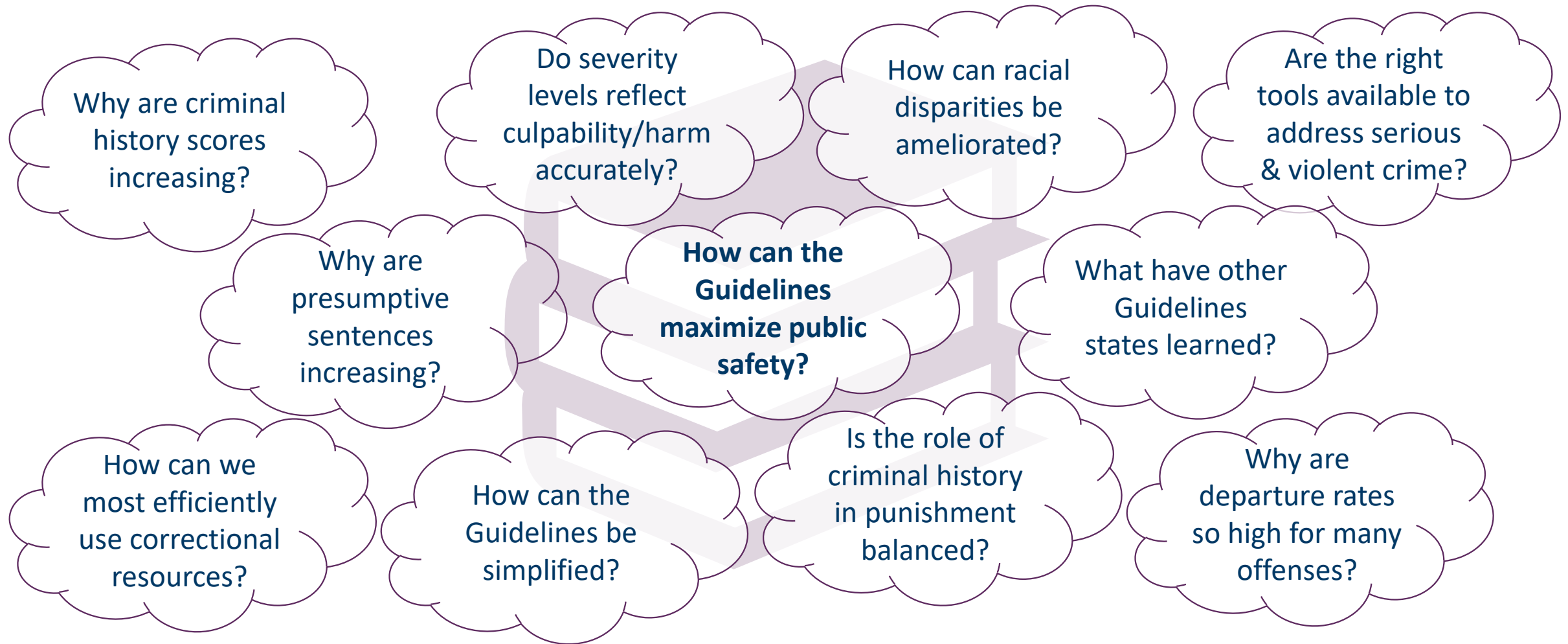
## ④ Fully Integrate with the Court Information System

- Each month, MSGC receives one static data pass 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
- One-time MNIT costs in FY24–25 biennium: \$688,000
- Ongoing MNIT costs in FY26 & thereafter: \$78,000 annually

# ⑤ 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)

# Some Questions the Comprehensive Review May Answer



# Comprehensive Review – Time & Resources Needed

## TIMELINE

- This is a limited-duration project. Funding would be requested for—
  - Phase I (FY24–25)
  - With anticipated Phase II extension (FY26–27) (cost TBD)
- Goal: Report to Legislature no later than January 15, 2027

## ONE-TIME FY24–25 RESOURCES NEEDED: \$390,000

- For stakeholder engagement & feedback – key to Pa. & Wash. reviews – MSGC will contract with MMB’s Management Analysis & Development (MAD) (\$180,000 in FY24–25 biennium)
- To concurrently evaluate Guidelines in light of goals, MSGC will hire temporary Research Analysis Specialist (\$185,000) + academic consulting svcs. (\$25,000)

# 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
<b>MAD</b>	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)	
<b>MSGC</b>		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)

# Advancing Sentencing Policy & Data for Minnesota



Fund Current Service Levels



Expand Analysis of  
Sentencing-Related Data



Improve Fiscal Transparency &  
Agency Independence



Fully Integrate with the Court  
Information System



Begin a Comprehensive Review  
of the Sentencing Guidelines

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

- 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
- Begin an update of the state’s aging felony sentencing structure, ensuring that it is redesigned from the bottom-up to promote public safety
- Improve MSGC’s fiscal transparency and agency independence