

Minnesota Sentencing Guidelines Commission
Approved Meeting Minutes
November 19, 2009

The Commission meeting was held on November 19, 2009, in Room 112 at the Minnesota State Capitol in St. Paul, Minnesota. Commission members attending were Chair Jeffrey Edblad, Reverend Robert Battle, Judge Edward Cleary, Sheriff Brad Gerhardt, Judge Gordon Shumaker, Justice Helen Meyer, and Tracy Jenson. Executive Director Suzanne Alliegro, Assistant Attorney General Jim Early, and MSGC staff members Anne Wall, Jill Payne, and Jeff Holtz were also in attendance. Members of the public in attendance included Mary Ellison from The Advocates for Human Rights, David Brown from the Hennepin County Attorney's Office, Heather Weyker from the St. Paul Police Department, Bill Lemons from the Minnesota County Attorneys Association, and Caroline Palmer and Elizabeth Morrissey from the Minnesota Coalition Against Sexual Assault.

I. Call to Order

The meeting was called to order by Chair Edblad at 2:08 p.m.

II. Approval of Meeting Minutes from September 17, 2009

Motion was made by Judge Shumaker to approve the minutes from September 17, 2009, and was seconded by Sheriff Gerhardt.

Motion approved without dissent.

III. Executive Director's Report

Executive Director Alliegro informed the Commission that staff will soon be starting reports based upon sentencing trends post-*Blakely*, recent increases in domestic assaults, and will be looking at variances in probation lengths across the state.

Director Alliegro and staff member Linda McBrayer visited Scott County judges and representatives from Community Corrections. They discussed sentencing guidelines

topics including inadvertent departures associated with the absence of sentencing worksheets and PSI reports before sentencing. Judge Cleary asked if this is a trend that is for a specific region or if it is statewide. Staff indicated that it is occurring in various areas across the state. Director Alliegro stated that one possible reason for this could be lack of resources that is limiting the ability of agents to complete PSI's in time for the court to use for sentencing. Staff is trying to work through this problem with the courts and probation agents in order to reduce the number of requests for departure reports.

Director Alliegro then mentioned that she and Senior Research Analyst Anne Wall are on a Minnesota Supreme Court Racial Fairness subcommittee on drug offenses and will be presenting agency data on departures and revocations at its next meeting.

IV. Review of 2010 Report to the Legislature

Director Alliegro stated that because several parts of the report are based upon the proposed modifications that are currently pending approval, the report cannot be fully approved at the current time. In discussing the components of the report, Director Alliegro mentioned that the report now has an expanded section which discusses staff activity throughout the year and describes what the agency has been working on. Sentencing trend highlights that Director Alliegro pointed out included having 2008 be the second year in a row of overall decline in the number of felony-level sentences in Minnesota, that 2008 had the highest number of person offenses since 1996, and over 40% of assaults in 2008 were domestic assaults.

Director Alliegro highlighted the section of the report which summarizes probation revocations to prison. She asked that the Commission informally approve the entire report on probation revocations to prison so that it can be posted on the agency's website. The Commission reacted favorably to this request. Ms. Alliegro stated that the highlights of the report include the revocation rate being just under 15%, that most revocations occur in the first year or second year of probation, and that most revocations are for offenders who were supposed to be committed to prison according to the sentencing guidelines (presumptive commitment offenses). Director

Alliegro further mentioned that the firearms report is now complete. The report shows that firearm levels are back up to the levels seen in 2006 and it also shows that fewer cases are getting the mandatory minimums imposed and executed compared to previous years.

V. Public Input

No members of the public came forward to offer public input.

VI. Other Business

Director Alliegro mentioned that the next meeting will be on December 10th and that is when the final approval of the proposed modifications is scheduled to occur.

VII. Adjournment

Motion was made by Sheriff Gerhardt and seconded by Judge Shumaker to adjourn.

Motion approved without dissent and Chair Edblad adjourned the meeting at 2:34 p.m.