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Minnesota Sentencing Guidelines Commission

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<http://mn.gov/sentencing-guidelines/>

AT A GLANCE

- Eleven Minnesota Sentencing Guidelines Commission (MSGC) members represent key criminal justice stakeholders and the public
- MSGC creates and improves Sentencing Guidelines
- Guidelines give judges uniform standards to apply when sentencing over 18,000 felony cases annually
- MSGC staff help criminal justice professionals in all 87 counties use the Guidelines correctly
- MSGC staff publish reports and conduct research on felony sentencing for Commission, Legislature, and the public

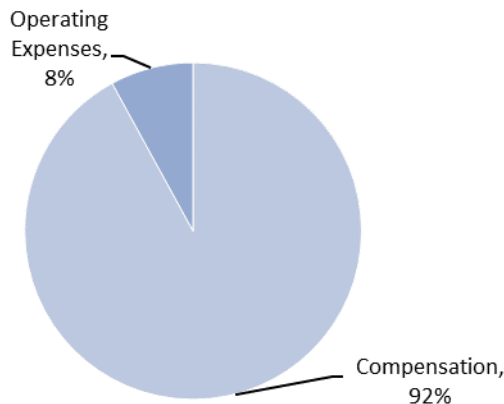
PURPOSE

The MSGC exists to establish rational and consistent sentencing standards that—

- Promote public safety;
- Reduce sentencing disparity;
- Recommend felony sanctions that are proportional to the crime’s severity and the offender’s criminal history; and
- Support the appropriate use of finite correctional resources.
- The MSGC supports the statewide outcome that **people in Minnesota are safe**
- The MSGC supports the statewide outcome of **efficient and accountable government services**

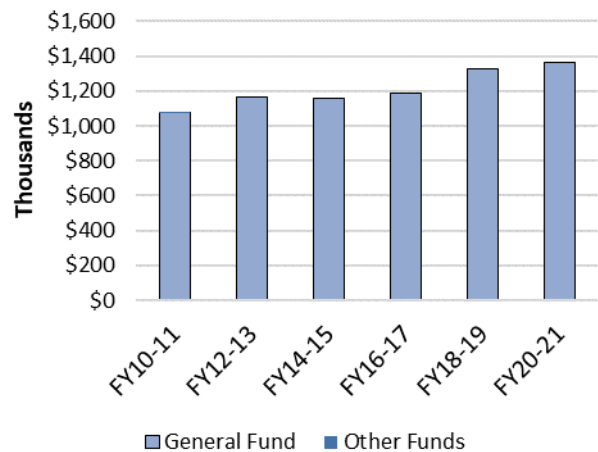
BUDGET

**Spending by Category
FY 2021 Actual**



Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Source: Consolidated Fund Statement

The MSGC’s activities are financed entirely through the General Fund. Its payroll budget consists of one (1) Executive Director, four (4) research analysts, and one (1) management analyst. Operating expenses included leased space, technology costs, education delivery costs, and office expenses.

STRATEGIES

The Minnesota Sentencing Guidelines Commission utilizes the following strategies to accomplish its mission:

- The MSGC meets monthly to work on improving the Sentencing Guidelines.
- From time to time, the MSGC makes recommendations to the Legislature regarding changes to criminal law, criminal procedure, and other aspects of sentencing.
- MSGC staff create and maintain a comprehensive and accurate database on felony sentences.
- MSGC staff publish reports on sentencing practices and related criminal justice issues. These reports help policymakers, criminal justice officials, and the public evaluate felony sentencing policy and proposed legislation.
- A sentencing worksheet is required whenever a judge sentences a felony, and MSGC staff review every worksheet to ensure the accurate and consistent application of the Sentencing Guidelines.
- MSGC staff provide in-person and web-based educational opportunities to help practitioners understand and correctly apply Sentencing Guidelines policies.
- As needed, the MSGC and its staff respond to changes in case law, legislation, and issues raised by interested parties by making changes to the Sentencing Guidelines and the Electronic Worksheet System.
- Annually, MSGC staff work with the Department of Corrections to generate prison bed projections.
- MSGC members and staff serve on committees and task forces to further the goals of the criminal justice system.

RESULTS

Type of Measure	Name of Measure	Previous	Current	Dates
Quantity	Felony offenders' sentencing worksheets reviewed	18,284	20,703	2018 & 2019
Quantity	Individual data reports prepared for practitioners, media, and the public	300	250	2019 & 2020
Quality	Number of agency fiscal notes completed; timeliness percentage	50; 100%	20; 100%	2019 & 2020
Results	Percentage of felony offenders receiving the recommend Sentencing Guidelines sentence	75%	73.7%	2018 & 2019

Minn. Stat. sec. 244.09 (<https://www.revisor.mn.gov/statutes/cite/244.09>) provides the legal authority for the MSGC.

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
<u>Expenditures by Fund</u>								
1000 - General	673	677	683	822	765	765	1,549	1,488
Total	673	677	683	822	765	765	1,549	1,488
Biennial Change				156		25		1,532
Biennial % Change				12		2		102
Governor's Change from Base								1,507
Governor's % Change from Base								99

Expenditures by Program

Mn Sentencing Guideline Com	673	677	683	822	765	765	1,549	1,488
Total	673	677	683	822	765	765	1,549	1,488

Expenditures by Category

Compensation	626	624	643	693	701	711	905	915
Operating Expenses	47	50	41	129	64	54	644	573
Other Financial Transaction		3						
Total	673	677	683	822	765	765	1,549	1,488

Full-Time Equivalent

	5.95	5.53	5.56	6.00	6.00	6.00	8.00	8.00
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(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
1000 - General								
Balance Forward In		6		57				
Direct Appropriation	679	687	740	765	765	765	1,549	1,488
Cancellations		16						
Balance Forward Out	6		57					
Expenditures	673	677	683	822	765	765	1,549	1,488
Biennial Change in Expenditures				156		25		1,532
Biennial % Change in Expenditures				12		2		102
Governor's Change from Base								1,507
Governor's % Change from Base								99
Full-Time Equivalents	5.95	5.53	5.56	6.00	6.00	6.00	8.00	8.00

Sentencing Guidelines Commission

Agency Change Summary

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1000 - General				
FY2023 Appropriations	765	765	765	1,530
Forecast Base	765	765	765	1,530
Change Items				
Maintain Current Service Levels		26	54	80
Expand Analysis of Sentencing-Related Data		125	124	249
Improve Fiscal Transparency & Agency Independence		50	50	100
Fully Integrate with the Court Information System		340	348	688
Comprehensively Review the Sentencing Guidelines – Phase I		243	147	390
Total Governor's Recommendations	765	1,549	1,488	3,037

Minnesota Sentencing Guidelines Commission

FY 2024-25 Biennial Budget Change Item

Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	26	54	54	54
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	26	54	54	54
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$26,000 in FY 2024 and \$54,000 in each subsequent year from the general fund to maintain the current level of service delivery at MSGC.

Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. For MSGC, the following efficiency has been implemented to help offset rising operating costs:

- Tasking the Executive Director to also oversee MSGC’s research staff as Research Supervisor.

However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For MSGC, operating cost pressures exist in multiple categories—increases in compensation and insurance costs at the agency, increasing costs to maintain the current staff complement in a challenging labor market, antiquated data sharing and transmission practices, and increasing IT costs. If an operational increase is not provided, the services MSGC delivers to Minnesotans will be impacted. An example of a potential impact includes:

- The inability to maintain current services and provide the necessary analysis of sentencing data that the people of Minnesota need.

Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. For MSGC, this funding will cover maintaining the same level of service that the office provides without having to decrease FTEs.

Results:

This proposal is intended to allow MSGC to continue to provide current levels of service and information to the public.

Minnesota Sentencing Guidelines Commission

FY 2024-25 Biennial Budget Change Item

Change Item Title: Expand Analysis of Sentencing-Related Data

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	125	124	124	124
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	125	124	124	124
FTEs	1	1	1	1

Recommendation:

- The Governor recommends funding for one new, permanent, full-time Senior Research Analyst Supervisor at the Minnesota Sentencing Guidelines Commission.
- The annual General Fund expenditure will be \$125,000 in FY2024 and \$124,000 thereafter.
- This is a 16.7% increase above the agency’s current personnel strength (now 6.0 FTE), and a 16.2% increase above the agency’s FY2023 base budget.

Rationale/Background:

All agency research functions are conducted by agency’s 4.0-FTE research staff. There is no supervisor within the research staff; the current executive director—whose education and experience are in law and crime, not in data and research—is presently the only research supervisor.

In addition to providing research support for the Sentencing Guidelines Commission, facilitating Sentencing Guidelines operations, and, during the legislative session, estimating the prison-bed impact of crime bills, the research staff executes two statutorily mandated agency functions (Minn. Stat. § 244.09, subd. 6):

- First, to serve as the state’s clearinghouse and information center for sentencing-practices data; and
- Second, to 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.

Given ongoing research demands of the Commission, the Legislature, and members of the public, the agency has insufficient resources dedicated toward its first function, which requires ascertaining how the complex Sentencing Guidelines apply to over 14,000 felony cases sentenced annually and applying guidance to criminal justice practitioners. In 2022, for the first time in at least a decade, the agency lacked sufficient resources to publish its customary annual data reports on sentencing for drug, assault, and sex crimes.

Regarding the second function, the agency has never fully actualized its research mandate. Indeed, the agency currently collects more data than it has the capacity to analyze (for example, stay-of-adjudication data), and future data integrations will only expand access to data. Examples of such anticipated future data include plea-bargaining data through court information systems integrations, as well as arrest and corrections data through the public safety data infrastructure proposed by Department of Corrections. The agency lacks sufficient research staff with time to analyze data from existing and future data sources and thereby fully comply with its statutory research mandate.

Adding a Senior Research Analyst Supervisor to the agency’s research staff is intended to accomplish three outcomes:

- First, additional research capacity will improve MSGC’s fulfillment of its statutory responsibility to be the state’s clearinghouse and information center for sentencing and related data. It would, for example, improve the agency’s ability to publish reports on felony sentencing practices in a timely manner, and would allow the agency to maintain an acceptable level of minimum service in the event of employee attrition or long-term absence.
- Second, the time and expertise of an additional senior researcher will allow the agency to move beyond descriptive statistics to more advanced research questions—for example, “What are the long-term public-safety outcomes of different criminal-justice interventions?”—the answers to which will improve the ability of policymakers and the public to make evidence-based criminal-justice policy decisions.
- Third, being trained in research (unlike the current executive director), the new supervisor will reevaluate current research processes and redesign them to become more efficient and productive, amplifying the effects of the two previous outcomes.

On October 6, 2022, this change was unanimously endorsed by the members of the Minnesota Sentencing Guidelines Commission.

Proposal:

This is a change to the existing personnel structure of the agency’s research division.

On a one-time basis, the proposal will buy the following (FY2024):

- New employee office setup, \$1,000

On an ongoing basis, the proposal will buy the following (FY2024 and thereafter):

- Salary, Research Analyst Supervisor, Senior (Grid 16E, Comp 19K, Step 6): \$79,511
- Employee benefits: \$35,734
- Employee office space (Centennial Office Bldg. G58J & G58K, 293 SF): \$5,274
- Employee computer equipment and MNIT support: \$2,904

The effective implementation date will be July 1, 2023, or as soon thereafter as the hiring process is complete.

The success of this proposal will be demonstrated by more efficient agencywide research processes (as measured by improvements in the timeliness of data processing and reporting) and higher-quality research products (as measured by the use of expanded data sources and inferential statistics, and the production of advanced reports that assess, *e.g.*, public-safety outcomes of different criminal-justice interventions) by the end of FY2025.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

- Yes
- No

Results:

Part A: Performance measures

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Current Value</i>	<i>Date</i>	<i>Projected Value (without)</i>	<i>Projected Value (with)</i>	<i>Date</i>
Quantity	Timely Commission support & publication of data reports	Current research assets were insufficient to publish customary data reports on drug, assault, and sex crimes	CY2022	Research staffing will continue to be insufficiently resilient to maintain service in the face of high research demand or personnel turnover	Improved ability to publish timely reports and continue acceptable level of service during stress	FY2024
Quality	Business practices of research department	Agency lacks a research-trained supervisor to reevaluate current research processes	FY2023	(Same as current)	New supervisor will redesign research practices to become more efficient and productive	FY2024 or FY2025
Results	Complexity of research questions addressed	Agency research is limited to descriptive statistics applied almost exclusively to agency sentencing data	FY2023	(Same as current)	Agency research will expand to inferential statistics over an expanded scope of data, resulting in answering critical, results-based questions about the criminal justice system	FY2024 or FY2025

Minnesota Sentencing Guidelines Commission

FY 2024-25 Biennial Budget Change Item

Change Item Title: Improve Fiscal Transparency & Agency Independence

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	50	50	50	50
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	50	50	50	50
FTEs	0	0	0	0

Recommendation:

- The Governor recommends funding for the Minnesota Sentencing Guidelines Commission’s (MSGC)’s accounting, budgeting, and human resources (HR) services, to be provided by the Department of Administration’s Small Agency Resource Team (SmART).
- The annual General Fund expenditure will be \$50,000 ongoing.
- This is a 6.5% increase above the agency’s FY2023 base budget.

Rationale/Background:

Contrary to law (Minn. Stat. § 244.09, subd. 8), the MSGC receives its accounting, budgeting, and HR services from the Department of Corrections (DOC) for free.

- In a 2002 audit, the Office of the Legislative Auditor (OLA) recommended documenting the unwritten interagency barter arrangement by which MSGC supposedly reimburses DOC for these administrative services through prison population projection assistance, but no written agreement was ever created. The value of the bartered services has never been shown to be equivalent.
- Although a small agency, the MSGC’s policy decisions have a significant impact on the DOC. The Legislature designed the MSGC to be independent of the DOC. The current arrangement creates a risk that the MSGC will feel beholden to the DOC due to the free administrative services it receives.
- DOC’s big-agency culture does not match MSGC’s small-agency culture.

Funding MSGC’s administrative services through SmART will—

- Bring the agency into compliance with the law.
- Increase fiscal transparency, as the true costs of running the agency will be reflected in the funds appropriated.
- Reduce the risks associated with MSGC dependence on DOC.
- Match MSGC’s small-agency culture and needs with a team solely devoted to providing fiscal and HR services to small agencies.

On October 6, 2022, this change was unanimously endorsed by the members of the Minnesota Sentencing Guidelines Commission.

Proposal:

- This is not a new program. It would shift the external provider of MSGC’s existing HR and financial management services from DOC to SmART. MSGC is not large enough to provide these services internally.
- These additional operating funds would primarily be used to maintain the agency’s current level of service. Due to SmART’s expertise with meeting the unique needs of small agencies, MSGC anticipates the likelihood of some improvements in the quality of the administrative services it receives, but the request is primarily driven by the fact that current operations are in violation of the OLA recommendation and expose the agency to risks associated with dependence on DOC.
- These ongoing funds will purchase all agency-required HR and financial management services from SmART, which exists to provide such services to such small agencies.
- The effective implementation date will be July 1, 2023.
- The DOC CFO has no objection to this proposal, and the DOC Commissioner personally participated in the Sentencing Guidelines Commission’s unanimous vote in support of this proposal.
- These funds will bring the agency into compliance with the law, will remove the issue identified by the OLA, and will improve fiscal transparency and agency independence.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

Results:

Part A: Performance measures

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Current Value</i>	<i>Date</i>	<i>Projected Value (without)</i>	<i>Projected Value (with)</i>	<i>Date</i>
Quantity	Receipt of HR and fiscal services	MSGC receives HR and fiscal services from DOC	FY2023	(Same as current)	MSGC receives HR and fiscal services from SmART	FY2024
Quality	Compliance with the law	MSGC receives admin services for free, contrary to law	FY2023	(Same as current)	MSGC’s budget will reflect true agency costs	FY2024
Results	Agency independence and audit compliance	While its policies affect DOC, MSGC is dependent on DOC due to free services; agency is out of compliance with OLA audit recommendation	FY2023	Continued MSGC dependence on/conflict of interest with DOC; failure of next OLA audit	MSGC is no longer dependent on DOC; will pass next OLA audit	FY2024

Minnesota Sentencing Guidelines Commission

FY 2024-25 Biennial Budget Change Item

Change Item Title: Fully Integrate with the Court Information System

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	340	348	78	78
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	340	348	78	78
FTEs	0	0	0	0

Recommendation:

- The Governor recommends funding for agency data integrations with the Minnesota Judicial Branch’s court information system (MNCIS).
- The annual General Fund expenditure will be \$340,000 in FY2024, \$348,000 in FY2025, and \$78,000 every year thereafter.
- Averaged together, the expenditures in FY2024 and FY2025 represent a one-time 45% increase above the agency’s FY2023 base budget.
- The expenditures in FY2026 and thereafter represent an ongoing 10.2% increase above the agency’s FY2023 base budget.

Rationale/Background:

The agency has the statutory duty to serve as the state’s clearinghouse and information center for sentencing-practices data. Minn. Stat. § 244.09, subd. 6. To fulfill this duty, the agency must obtain data on every felony sentence. It must match each actual sentence with each presumptive sentence to ascertain whether the sentence was a departure from the Sentencing Guidelines. In cases of departure, it must obtain the reasons for departure, which the sentencing judge must put in writing. Minn. Stat. § 244.10, subd. 2.

In its current, antiquated process, the agency receives a monthly pass of static MNCIS data. Documents are not passed to MSGC, and data changes are not automatically updated, resulting in wasted time and potentially missed information.

Modern MNCIS integration—including documents, not just data—will save time and improve accuracy, enabling quicker and better sentencing data analysis for the public and policymakers. By providing real-time, dynamic data, this change is intended to create efficiencies, close integration gaps, and build for the future in the following five ways:

- Closing business-processes gaps. This change will make agency business processes more efficient, freeing up research analyst staff time to conduct more analysis of the data collected. This will, in turn, improve the quality of decisions made by policymakers and the public.
- Closing information gaps. The monthly pass of static MNCIS data excludes critical data that MSGC needs. Some data—for example, judges’ written reasons for sentencing in a manner contrary to the Sentencing Guidelines’ recommendation—are contained in documents, not data fields. Those documents are not passed to MSGC. By creating a new platform for data exchange, staff will obtain critical information automatically, improving the quality of the data reported to policymakers and the public.

- Closing latency gaps. Court data often change. For example, a sentence might be corrected or amended. If the corrected or amended sentence is not included in the static data pass, MSGC may report incorrect data about the sentence to policymakers and the public. By providing constantly updated data, dynamic data integrations will solve this problem.
- Potentially expanding the scope of agency research. As staff resources permit, MNCIS data integrations will allow the agency to examine currently untapped data sources—such as plea-bargaining data, currently an unfulfilled area of the agency’s research mandate (Minn. Stat. § 244.09, subd. 6).
- Building a platform for future integrations. This change item will build a modern data platform that can be used for other data integrations—for example, integration with arrest and corrections data included within the public safety data infrastructure proposed by Department of Corrections.

On October 6, 2022, this change was unanimously endorsed by the members of the Minnesota Sentencing Guidelines Commission, although the Commission did not have access to the fiscal costs on that date.

Proposal:

This change is the modernization of an existing business process, the accessing of MNCIS data. It will upgrade this process from a static data pass to custom court integration services.

On a one-time basis (FY2024 & FY2025), the proposal will buy the following:

- Project management – Project Manager hours (\$35,000 in FY2024, \$35,000 in FY2025)
- Business analysis – Business Analyst contract hours (\$75,000 in FY2024, \$75,000 in FY2025)
- Application development – Application Developer contract hours (\$200,000 in FY2024, \$200,000 in FY2025)

On an ongoing basis, the proposal will buy the following:

- Infrastructure/hosting – servers, databases, cloud services, network services (\$7,500 in FY2024; \$15,000 in FY2025 and thereafter)
- MNIT infrastructure support – 0.25 FTE (\$23,000 in FY2024 and thereafter)
- License fees/future enhancements (\$40,000 in FY2026 and thereafter)

The MNCIS integration project will begin July 1, 2023. The effective implementation date of full MNCIS integrations will be June 30, 2025.

The success of this proposal will be demonstrated by fully functional MNCIS integrations by the beginning of FY2026 and, by the end of FY2027, improved research business processes, fewer information gaps, more accurate data, better data reports, expanded agency research, and explorations of additional integration possibilities.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

- Yes
- No

IT Costs

<i>Category</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>FY 2026</i>	<i>FY 2027</i>	<i>FY 2028</i>	<i>FY 2029</i>
Payroll						
Professional/Technical Contracts	\$275,000	\$275,000	\$40,000	\$40,000	\$40,000	\$40,000
Infrastructure	\$7,500	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Hardware						
Software						
Training						
Enterprise Services	\$35,000	\$35,000				
Staff costs (MNIT or agency)	\$23,000	\$23,000	\$23,000	\$23,000	\$23,000	\$23,000
Total	\$340,500	\$348,000	\$78,000	\$78,000	\$78,000	\$78,000
MNIT FTEs	.25	.25	.25	.25	.25	.25
Agency FTEs						

Results:

Part A: Performance measures

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Current Value</i>	<i>Date</i>	<i>Projected Value (without)</i>	<i>Projected Value (with)</i>	<i>Date</i>
Quantity	Agency access to court data	MNCIS data pass includes data fields only – uncoded sentencing data not passed	FY2023	(Same as current)	Will be able to access sentencing data contained in documents (departure reports, plea agreements, etc.)	FY2026
Quality	Agency data-collection business processes	Monthly MNCIS data pass of static data only; updates are not obtained in real-time	FY2023	(Same as current)	Dynamic data fields update to reflect changes, improve accuracy of data	FY2026
Results	Research analyst time	Significant research analyst time is now wasted on data processing	FY2023	(Same as current)	Research analyst time will be freed up to conduct more data analysis	FY2026

Minnesota Sentencing Guidelines Commission

FY 2024-25 Biennial Budget Change Item

Change Item Title: Comprehensively Review the Sentencing Guidelines – Phase I

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	243	147	0	0
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	243	147	0	0
FTEs	1	1	0	0

Recommendation:

- The Governor recommends funding for the first phase of a 3½-year, two-phase comprehensive review of the Minnesota Sentencing Guidelines.
- The one-time General Fund expenditures will be \$243,000 in FY2024 and \$147,000 in FY2025.
- Averaged together, the FY2024 and FY2025 expenditures represent a 25.5% increase above the agency’s FY2023 base budget.

Rationale/Background:

The Minnesota Sentencing Guidelines, which structure felony sentences statewide, were the product of an intense but brief effort by the first Sentencing Guidelines Commission (1978–79) to promulgate the first sentencing guidelines in the nation (in 1980). Although the Commission has updated the Guidelines many times and reviewed them in parts, it has never reviewed them comprehensively. This is true even though the Legislature, in 1989, amended the Commission’s charter statute to require a new, primary consideration—that of public safety—when modifying the Guidelines.

Recently, the states of Pennsylvania and Washington—two other states with sentencing guidelines dating from the 1980s—conducted comprehensive reviews of their sentencing guidelines. Other states may be following their lead shortly.

Some examples of questions the comprehensive review may answer include—

- How can the Guidelines maximize public safety? (Per Minn. Stat. § 244.09, subd. 5, this will be the Commission’s primary consideration.)
- Why are criminal history scores increasing?
- Why are presumptive sentences increasing?
- Why are departure rates so high for many offenses?
- Do severity levels reflect culpability and harm accurately?
- Is the role of criminal history in punishment balanced?
- How can racial disparities be ameliorated?
- Are the right tools available to address serious and violent crime?
- How can we most efficiently use correctional resources?
- How can the Guidelines be simplified?

In Phase I of the comprehensive review, the Commission will conduct research and get input from a wide variety of stakeholder groups to answer questions such as these. It will then prepare for Phase II, which will consist of seeking effective and just solutions to the problems identified in Phase I. Because the work of Phase II will depend on the Commission's Phase I findings, the funds for Phase II will be requested in FY2025.

On October 6, 2022, this budget request was unanimously endorsed by the members of the Minnesota Sentencing Guidelines Commission.

Proposal:

This change item is Phase I of a two-phase initiative of a comprehensive review of the Minnesota Sentencing Guidelines. The goal of Phase I is to gather data, identify problems, identify possible solutions to those problems, and plan a roadmap for Phase II. The goal of Phase II (FY2026–27, funded separately) will be for the Minnesota Sentencing Guidelines Commission to submit to the Legislature a package of changes to the Minnesota Sentencing Guidelines that solve the identified problems and improve public safety.

Phase II will sunset on January 15, 2027, with the submission of the proposed changes to the 95th Legislature.

Most of the Phase I costs will consist of consulting fees paid to Minnesota Management and Budget's Management Analysis and Development (MAD) consulting group to conduct stakeholder outreach to various populations affected by, or working with, the Sentencing Guidelines (e.g., practitioners, judges, victims, defendants, community members, academics, etc.). The phases of MAD's work will approximately be as follows—

- July–September 2023: Project planning and stakeholder analysis
- October 2023–March 2024: Stakeholder data collection (surveys, focus groups, listening sessions, etc.)
- April–June 2024: Data analysis
- July–September 2024: Report and recommendations

Concurrently, MSGC will be evaluating the Sentencing Guidelines in light of its goals, as stated in the MSGC charter statute and the Guidelines' own statements of purpose and principles. This will include a large amount of quantitative research, some of which will be advanced, as well as reviews of the academic literature. This part of the review will require one temporary Research Analysis Specialist (1.0 FTE) plus academic consulting fees.

On a one-time basis (FY2024 & FY2025), the proposal will buy the following:

- MAD consulting fees totaling \$180,000 (\$135,000 in FY2024 and \$45,000 in FY2025)
- Academic consulting fees totaling \$25,000 (\$15,000 in FY2024 and \$10,000 in FY2025)
- Salary, Research Analyst Specialist (Grid 14G, Comp 10L, Step 3): \$56,397 annually in FY2024 & FY2025
- Employee benefits: \$32,521 annually in FY2024 & FY2025
- Employee computer equipment and MNIT support: \$2,904 annually in FY2024 & FY2025
- One-time office setup: \$1,000 in FY2024

The effective implementation date will be July 1, 2023.

The short-term success of this proposal will be demonstrated by the MSGC's completion of Phase I of its comprehensive review of the Sentencing Guidelines with a thorough understanding of what the current Sentencing Guidelines are doing well, what ways they could improve, and how to plan a Phase II roadmap that will result in solving the problems identified in Phase I. The long-term success of the proposal will be demonstrated by the MSGC's submission to the 95th Legislature a proposal to amend the Sentencing Guidelines in a manner that improves public safety and the quality of justice in Minnesota.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

Results:

Part A: Performance measures

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Current Value</i>	<i>Date</i>	<i>Projected Value (without)</i>	<i>Projected Value (with)</i>	<i>Date</i>
Quantity	Frequency at which the Sentencing Guidelines Commission comprehensively reviews its felony sentencing structure	The Sentencing Guidelines have never been comprehensively reviewed in 42 years	CY1980 through CY2022	The time without review will extend	Upon completion of Phase II, the Sentencing Guidelines will have been comprehensively reviewed once in 47 years	CY2027
Quality	Conformity of policy to its statutory design	The Sentencing Guidelines have never been comprehensively reviewed in light of their primary consideration changing to “public safety”	CY1989 through CY2022	(Same as current)	Upon completion of Phase II, the Sentencing Guidelines will have been reviewed in light of the current legislative mandate	CY2027
Results	Statewide public safety and quality of justice	The Commission has sought to achieve these results when making incremental changes to the Sentencing Guidelines over the years	CY1980 through CY2022	Continued attempts at piecemeal improvement	Upon completion of Phase II, the Commission will have holistically reviewed the various policies of the Sentencing Guidelines to achieve these results	CY2027