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2014-15 Governors Budget - Sentencing Guideline Comm

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Mission:

The purpose of the Sentencing Guidelines Commission is to establish rational and consistent sentencing standards that enhance the public safety of the citizens of Minnesota, reduce sentencing disparity, ensure that the sanctions imposed for felony convictions are proportional to the severity of the offense and the offender's criminal history, and that support the appropriate use of finite correctional resources.

Statewide Outcome(s):

Sentencing Guidelines Commission supports the following statewide outcome(s).

People in Minnesota are safe.

Context:

In 1978, Minnesota created the nation's first sentencing guidelines commission, and in 1981, Minnesota became the first state to implement a sentencing guidelines structure. Today, the Sentencing Guidelines Commission is an 11-member body created by the Legislature to develop and maintain the Guidelines that judges must apply in felony sentencing. Eight members are appointed by the Governor: one public defender, one county attorney, the Commissioner of Corrections, one peace officer, one probation officer, and three public members, one of whom must be a victim of a felony crime. Three members are appointed by the Chief Justice of the Supreme Court: the Chief or a designee, one judge of the Court of Appeals, and one district court judge.

The Commission, which receives 100 percent of its funding from the General Fund, strives to maintain a felony sentencing system that balances public safety concerns with consistent and proportional sentences and finite correctional resources. In 1981, when the Guidelines were implemented, 5,500 felons were sentenced. In 2010, 14,311 felons were sentenced. This increase in the number of felons sentenced is both due to greater population and a greater number of enacted felony offenses. In addition, the Guidelines have become more complex due to statutory enhancements and mandatory minimums. The primary clientele of the Sentencing Guidelines Commission are criminal justice partners (e.g., prosecutors, defense attorneys, judges, and probation officers), offenders, and the public.

Key partners of the Commission include:

- the Minnesota Legislature and Governor, who make changes in the penal statutes that must be incorporated into the Guidelines;
- trial judges, who implement the Guidelines when they impose felony sentences;
- appellate courts, whose decisions concerning sentencing may necessitate Guidelines changes;
- corrections officers and administrators who carry out sentences;
- prosecutors and defense attorneys, who seek just outcomes for their respective clients;
- law enforcement officers, who are most aware of trends in criminal conduct and enforcement strategies; and,
- citizens, including crime victims, who provide input from those who do not work within the criminal justice system.

Strategies:

The Commission utilizes the following strategies to accomplish its mission.

- The Commission maintains a comprehensive and accurate database on felony sentences. The Commission then utilizes this data to publish regular and special reports on sentencing practices and related criminal justice issues, which enable policymakers, criminal justice officials, and the public to assess felony sentencing policy and proposed legislation.
- Legislation directs that a sentencing worksheet must be completed for every felony sentence to determine the appropriate application of the Guidelines. Commission staff reviews and approves each worksheet before it is provided to the sentencing court.
- The Commission also provides training and other educational outreach to ensure that the Guidelines are understood and appropriately applied by criminal justice practitioners.

- As needed, the Commission responds to changes in case law, legislation, and issues raised by interested parties.
- Annually, the Commission works with the Department of Corrections to generate prison bed projections.
- Commission members and staff serve on committees and task forces to further the goals of the criminal justice system.

Results:

The Sentencing Guidelines are established for the typical case. For cases involving atypical offense or offender characteristics, the Commission would expect to see departures. Therefore, the Commission closely monitors the extent to which the presumptive sentence is being applied in felony cases. The Commission also monitors staff performance by looking at the number of sentencing worksheets reviewed annually, the percentage of fiscal notes completed on time each legislative session, and the number of data requests completed annually.

Performance Measures	Previous	Current	Trend
Number of electronic Sentencing Worksheets reviewed by staff ¹	15,771	16,109	Increased
Percentage of felony offenses receiving the presumptive Guidelines sentence ²	75%	75%	Stable
Percentage of fiscal impact statements (fiscal notes) for introduced legislation completed on time ³	100%	100%	Stable
Number of data requests processed ⁴	64	100	Increased

Performance Measures Notes:

1. Statewide Supervision System; <https://www.probation.state.mn.us>
2. 2010 Sentencing Practices Data Reports (<http://www.msgc.state.mn.us>) / Internal preliminary data
3. Internal MSGC data
4. Internal MSGC data

Sentencing Guidelines Commission
Current, Base and Governor's Recommended Expenditures
(Dollars in Thousands, Biennial Totals)

	General Funds	Other State Funds	Federal Funds	All Funds
Current Biennium Expenditures (FY 2012-13)	\$1,172			\$1,172
Current Law Expenditures (FY 2014-15)	\$1,172			\$1,172
Governor's Recommended Expenditures (FY2014-15)	\$1,472			\$1,472
\$ Change from FY 2014-15 Current Law to Governor's Rec	\$300			\$300
% Change from FY 2014-15 Current Law to Governor's Rec	26%			26%

Sentencing Guidelines Commission

Sources and Uses

(Dollars in Thousands)

	Biennium FY14-FY15			
	General Funds	Other State Funds	Federal Funds	Total Funds
APPROPRIATION	\$1,472			\$1,472
SOURCES OF FUNDS	\$1,472			\$1,472
EXPENDITURES	\$1,472			\$1,472
PAYROLL EXPENSE	\$973			\$973
OPERATING EXPENSES	\$499			\$499
USES OF FUNDS	\$1,472			\$1,472

Sentencing Guidelines Commission

Governor's Changes

(Dollars in Thousands)

	FY 14	FY 15	FY 14-15 Biennium	FY 16	FY 17	FY 16-17 Biennium
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Electronic Worksheet Redesign

The Governor recommends one-time funding to enhance the electronic sentencing worksheet system. The current system is operated on a server that is being eliminated, and existing worksheets, about 17,000 per year, have nearly a 25% error rate.

Performance Measures:

The enhancements will assist Commission staff in reviewing the increasing number of worksheets and reduce the error rates. The new system is estimated to reduce average processing time by 15-30 minutes from the current 1.5 hours.

General Fund	Expenditure	300	0	300	0	0	0
	Net Change	300	0	300	0	0	0
Net All Change Items	General Fund	300	0	300	0	0	0
	Net Change	300	0	300	0	0	0

Sentencing Guidelines Commission
All Funds FTE by Program

	Current	Forecast Base	Governor's Recommendation
Program	FY 2013	FY 2015	FY 2015
Program: Mn Sentencing Guideline Com	6.0	6.0	6.0
Sentencing Guidelines Commission	6.0	6.0	6.0