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# The Minnesota Sentencing Guidelines

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### Introduction

Public opinion and direct public participation have played only a limited role in the development and implementation of Minnesota's Sentencing Guidelines. To some extent this was by design – independent sentencing commissions are valued not only for their expertise and research capacity but also because they promote a long-term, fiscally responsible perspective and help to insulate sentencing policy development from short-term political pressures driven by sudden shifts in public opinion.

However, the Legislature and the Guidelines Commission in Minnesota have taken steps to ensure that the public is informed of the Commission's work and that public input and perspectives are taken into account. Several seats on the Minnesota Sentencing Guidelines Commission are reserved for members of the public; some of these members have played influential roles. When the Commission was designing and implementing the original version of the Guidelines it adopted an open process, inviting public attendance at the Commission's discussions and holding meetings in various locations around the State. Since the Guidelines went into effect in 1980, the Commission's regular monthly meetings have continued to be open to and attended by the public, and the Commission has recently adopted a policy of inviting public comment at each meeting. At least once a year a public hearing is held to receive comments on proposed Guidelines changes.

Although public attendance at the Commission's meetings and hearings has been light in recent years, and the Commission has never surveyed the public's opinions or knowledge of sentencing issues, there is reason to believe that informed members of the public are aware of the existence and nature of the Guidelines.

The Commission regularly disseminates information about its work and the operation of the Guidelines: through annual reports to the Legislature; by annual summaries of sentencing data and periodic reports evaluating Guidelines implementation or special issues; by making detailed sentencing data freely available to interested outside researchers; and, in recent years, by maintaining a website containing a wide range of sentencing data, reports and other useful information about the operation of the Guidelines and the Commission. Furthermore, the Guidelines and the Commission are frequently mentioned in newspaper articles. This press coverage facilitates a two-way dialogue through which the public learns about current and proposed sentencing policy and the Commission

This is a preview. Not all pages are shown.

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- 11 The initial Commission's other seven members included: the Chief Justice of the State Supreme Court or his or her designee; two felony trial court judges appointed by the Chief Justice; a public defender appointed by the Governor upon the recommendation of the State Public Defender; a county attorney appointed by the Governor on the recommendation of the County Attorneys Council; the Commissioner of Corrections (in charge of State prisons) or his or her designee; and the chair of the Corrections (parole) Board or his or her designee. The Commission was later expanded to 11 members, including a third public member, a community corrections (probation) officer, a judge of the new intermediate appellate court (replacing one of the trial court judges), and a law enforcement officer (replacing the Corrections Board member). Minnesota Statutes Section 244.09, Subdivision 2.
- 12 The other public member on the Commission in these early years was Barbara Andrus, who had experience working in minority and community programs (Parent, 1988, p 31).
- 13 The Commission was not fully staffed and functioning until 1 January, 1979, and its report and recommended guidelines were due by the following 1 January (Parent, 1988, p 210). The enabling statute also specified that the Guidelines would become effective on 1 May 1980 (for crimes committed on or after that date), unless the Legislature rejected or modified them, so the Commission only had a few months to convince the Legislature to accept its recommendations, and only a few more months (before Guidelines-eligible cases reached the charging and sentencing stages) to train judges, attorneys, and probation officers in the use of the new rules.
- 14 In addition to the sex offender and legislative subcommittees mentioned above, other subcommittees were working on drug policy and intermediate sanctions.
- 15 This cut-off date was chosen to avoid including the large number of articles that began to appear in early July 2006, covering the Alphonso Rodriguez trial held later that month.
- 16 See Frase (2005b), pp 159-64, describing high profile rape murders that occurred in 1988 and 1991, and the significant increases in sanction severity that resulted. See also Frase (2005b), pp 165-6, noting further increases in rape penalties in 2000 and 2002.
- 17 For a useful summary and time line of this case, see *St Paul Pioneer Press* (2004). Details of the case and reactions to it are also discussed in Frase (2005b), pp 211-12.
- 18 Increases in the weight given to more serious prior convictions and to prior sex crimes, adopted in 1989 and 2006, have substantially increased some offenders' criminal history scores. These changes also mean that a 2006 offender with a given number of criminal history points may have fewer prior convictions than a 1988 offender with the same number of points.

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