



Anoka County

HUMAN SERVICES DIVISION

Community Corrections

Courthouse
Adult Court
Juvenile Court
Juvenile Field

Rum River Human
Service Center
Workhouse
Fahr Building 10
Administration
Building 13

Lino Lakes Juvenile
Center
Anoka County
Secure
Non-Secure
Program
East Central
Regional
Juvenile Center

March 10, 2020

MEMO TO: Anoka County Community Corrections Advisory Board

Judge Spencer Sokolowski	Michael McGee
Judge Sharon Hall	Morgan Whiterabbit
Judge John Dehen	Bryan Lindberg
Judge Dyanna Street	Virginia Murphrey
Commissioner Mike Gamache	Dr. Roger Worner
Commissioner Mandy Meisner	Dave Pacholl
Commissioner Robyn West	Cindy Cesare
Dr. Ed Evans	Jerry Pederson
Robert DeRoche	Randy Tenge

FROM: Don Kjonaas, Chair

SUBJECT: Community Corrections Advisory Board Meeting
and Meeting of the Anoka County Board of Commissioners*
Thursday, March 19, 2020 – 12 noon
Anoka County Government Center – Room 710

AGENDA

1. Approval of the February 20, 2020 meeting minutes – *attached*
2. Old Business
3. New Business
4. Integrated Reentry, Occupation Cohorts Pathway

copy: Dylan Warkentin, Todd Benjamin, Corey Kohan, Rick Sells

◊ We appreciate notification if you are unable to attend the meeting to ensure an accurate lunch count. Thank you. ◊

Please contact Tracy Rohloff at 763-324-4979 or Tracy.Rohloff@co.anoka.mn.us

** Actions taken by this Committee do not bind the County Board. In addition to the County Commissioners appointed to this committee, additional County Commissioners may attend. Non-committee Commissioners may choose to participate in the discussions and/or ask questions, but they will **not** vote on any item, nor will they agree to take a specific action on business conducted by the committee. If their attendance and limited participation in the committee meeting is considered a meeting of the County Board, this shall serve as notice of a County Board meeting. This shall also serve as notice of a County Board Meeting for any committee comprised of four or more members of the board.*

Working to Build a Safer Community

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**Anoka County Community Corrections
Advisory Board Meeting Minutes – February 20, 2020**

The Anoka County Community Corrections Advisory Board meeting was held on Thursday, February 20, 2020 at 12 noon in Room 710 at the Anoka County Government Center.

Board Members Present: Judge Spencer Sokolowski, Judge John Dehen, Commissioner Mike Gamache, Commissioner Mandy Meisner, Don Kjonaas, Dr. Ed Evans, Robert DeRoche, Bryan Lindberg, Dr. Roger Worner, Dave Pacholl, Cindy Cesare, Jerry Pederson

Others Present: Dylan Warkentin, Rick Sells, Carol Paulson, Lisa Hallberg, Tracy Rohloff

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Chair Don Kjonaas called the meeting to order at 12:03 PM.

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There was a motion made by Robert DeRoche and seconded by Judge Sokolowski approving the minutes of the January 16, 2020 meeting. The motion passed unanimously.

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New/Old Business: None.

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Minnesota Sentencing Guidelines – Five Year Probation Caps

Dylan Warkentin, Corrections Director, presented a PowerPoint on Minnesota Sentencing Guidelines and concerns about probation lengths throughout the state. On January 9, 2020, the Minnesota Sentencing Guidelines Commission (MSGC) voted to limit the term of probation to a maximum of 5 years for all offenses excluding sex offenders and murder – effective for offenses on or after 8/1/2020. The MSGC adopted modifications to 2019 Minn. Sentencing Guidelines §§ 1.B, 2.C, 2.D, and 3.A. Highlights of the presentation include:

- Minnesota is a determinate sentencing state. If someone is sent to prison, there is a predetermined release date governed by the initial sentencing. Indeterminate sentencing states have a parole board that can alter the date of release.
- The MSGC was established to ensure consistent sentencing for all felony level offenses.
- Dylan Warkentin, Bryan Lindberg, and Lisa Hallberg explained the Severity Level of Conviction Offense Sentencing Grid. The severity level is a ranking assigned to each felony offense by the Sentencing Guidelines Commission to indicate the seriousness of the offense. This grid can change every year.
- A presumptive sentence is a stayed sentence. At the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. As of 8/1/2020, the presumptive max probation length will be up to 5 years for all felony offenses excluding murder and sex offenses.
- A dispositional departure involves a deviation from the presumptive stayed or the presumptive commitment to state imprisonment. It requires the court to cite substantial and compelling reason inclusive of mitigating or aggravating circumstances to justify.
- A durational departure involves a deviation from the presumptive length of the sentence. Requires the court to cite substantial and compelling reasons inclusive of mitigating or aggravating circumstances to justify.
- The Blakely hearing process establishes that a defendant can contest a departure and request a hearing before a judge or jury.

- A grid listing the number of months of an executed sentence broken down by the term of imprisonment and the supervised release term combined was explained.
- The length of probation can be up to the maximum length of incarceration identified by the statute. This is identified on the criminal complaint and provided when the defendant is charged. The length of probation has never been part of guidelines computation and previously never a policy concern. Corrections Department staff recommend a probation length in a Presentence Report based on the max or a plea negotiation. Increasingly jurisdictions have moved to local standards for length. The length is set at sentencing by the court.
- There is probation length disparity among the judicial districts in the state, including over state lines. Discussion continued regarding the disparities.
- One option for uniformity across the state is to create a bill to address probation length and encourage legislators to solve the problem. Lobbying has occurred both for and against. Another option is to create a guidelines grid or presumptive standard for length of probation similar to other determinate factors.
- When discussing probation lengths, the four MSGC standards include:
 - Rationality – do the lengths imposed make sense based on long term data?
 - Proportionality – are the lengths provided proportional to the offense and the impact on public safety?
 - Uniformity – are the lengths imposed uniform across jurisdictions?
 - Predictability – are the lengths of probation predictable from jurisdiction to jurisdiction.
- The role of the Guidelines Commission is to address the four standards (above), but they have never acted regarding probation lengths in the past. This could be due to:
 - There is a statutory maximum time for each offense category.
 - Other probation conditions have never been guidelines driven.
 - It has been viewed as a discretionary component left up to the Court. Increasingly the subject of plea negotiations.
 - Local early discharge policies were thought to even things out.
 - The disparities have been increasing over the last 20 years.
- There is much data available regarding sentencing practices because everything is entered into databases. Pronounced probation lengths have been the subject of numerous data requests by concerned groups.
- Research has indicated that extended probation lengths have limited returns on public safety. More probation departments are requesting fewer years of pronounced probation based on research and workload.
- The lack of guidance and direction on probation length disparities statewide adversely impacts some people based on geography alone. Acting now reduces inconsistency without impacting public safety.
- The majority of probation revocations occur within the first 24 months. If a person does not reoffend within 24 months, it is likely they won't reoffend after that time period.
- Early discharge policies mitigate the disparity, but in themselves create additional questions and are jurisdictionally unique.
- Because the length of probation impacts certain civil rights, the extent of the issue is magnified.
- Other states have already made changes to their sentencing guidelines.

PowerPoint is available in the Community Corrections administrative office.

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A motion was made by Robert DeRoche and seconded by Judge Sokolowski to adjourn the meeting. The meeting adjourned at 1:00 PM.

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Next Meeting

The next Community Corrections Advisory Board meeting will be held on Thursday, March 19, 2020 at 12:00 noon in Room 710 at the Anoka County Government Center.

Minutes submitted by Tracy Rohloff.