



Human Services Background Study Eligibility Task Force

# Summary of Proceedings from the Human Services Background Study Eligibility Task Force

*Presentation to Human Services Policy Committee*

March 1, 2023

# Human Services Background Study Task Force

- Approx. 12-month process that analyzed Minnesota licensing laws.
- Diverse group from judges, prosecutors, legislators, law enforcement, impacted individuals, lawyers, and government.
- We brought in guest speakers with expertise on the juvenile brain, addiction, the law, and several individuals who were disqualified to tell their story.
- Resulted in Legislative Report that addressed the process, data and resulting recommendations.

# Task Force Members

- Senator Bobby Joe Champion
- Lucas Dawson, Attorney
- Joshua Esmay Mid-MN Legal Aid/Southern MN

## Legal Services/Legal Rights

- Gina Evans, Vice-Chair
- Jon Geffen, Chair
- Benjamin Hanson, Commissioner of Health

## Designee

- Elizabeth Huntley (appointed 1/31/2022)
- Dave Irvin, Minnesota Adult and Teen Challenge
- Tiffany Kacir, Olmstead County
- Roy Kammer, Assistant Professor
- Andy Knotz, Law enforcement

- Honorable Gail Kulick
- Senator Andrew Mathews
- Nicole Mattson, Licensed Service Provider
- Representative Kelly Moller
- Inspector General Kulani Moti
- Max Page, County Attorney
- Jolene Rebertus, Department of Corrections
- Representative Kristin Robbins
- Leo Sandoval
- Melissa Sherlock, Hennepin County
- Dewon Tatum
- TaShonda Williamson
- Honorable Melissa Saterbak

# Overview of Some Issues/Conclusions

- Protecting vulnerable individuals is paramount and important mission of State of Minnesota.
- The law's purpose is to protect vulnerable individual; not a punitive law.
- The current law is more restrictive than required to protect vulnerable individuals.
- Minnesota has a unique background study process. It disqualifies more individuals, for more reasons, for longer periods of time than any other state we reviewed.
- Disqualifications impact more individuals than just those providing direct care to vulnerable. The law includes those who work in nursing home kitchens, laundry, cleaning, etc.
- Minnesota's BGS law is vastly different from federal law. I.E., Adam Walsh Act – 5 year and permanent Disqualification.
- Racial Disparities. Not everyone is impacted the same by these laws. Professor Kammer will discuss this in more detail.
- Inconsistent with Minnesota's expungement laws. Waiting period for a misdemeanor is 2 years in expungement statute, but 7 years in BGS law.

# Areas For Change

Drug Offenses: In MN, most drug offenses (even possession level) are felonies and have 15-year disqualification period.

- Under current law, a person is disqualified for 15 years from the date they were released from court supervision.
- So, if we have a person that commits a drug related felony in 2010, is convicted in 2011, receives 5-year probation until 2016, their disqualification ends in 2031. So, again, commits offense in 2010 – DQ expires in 2031.

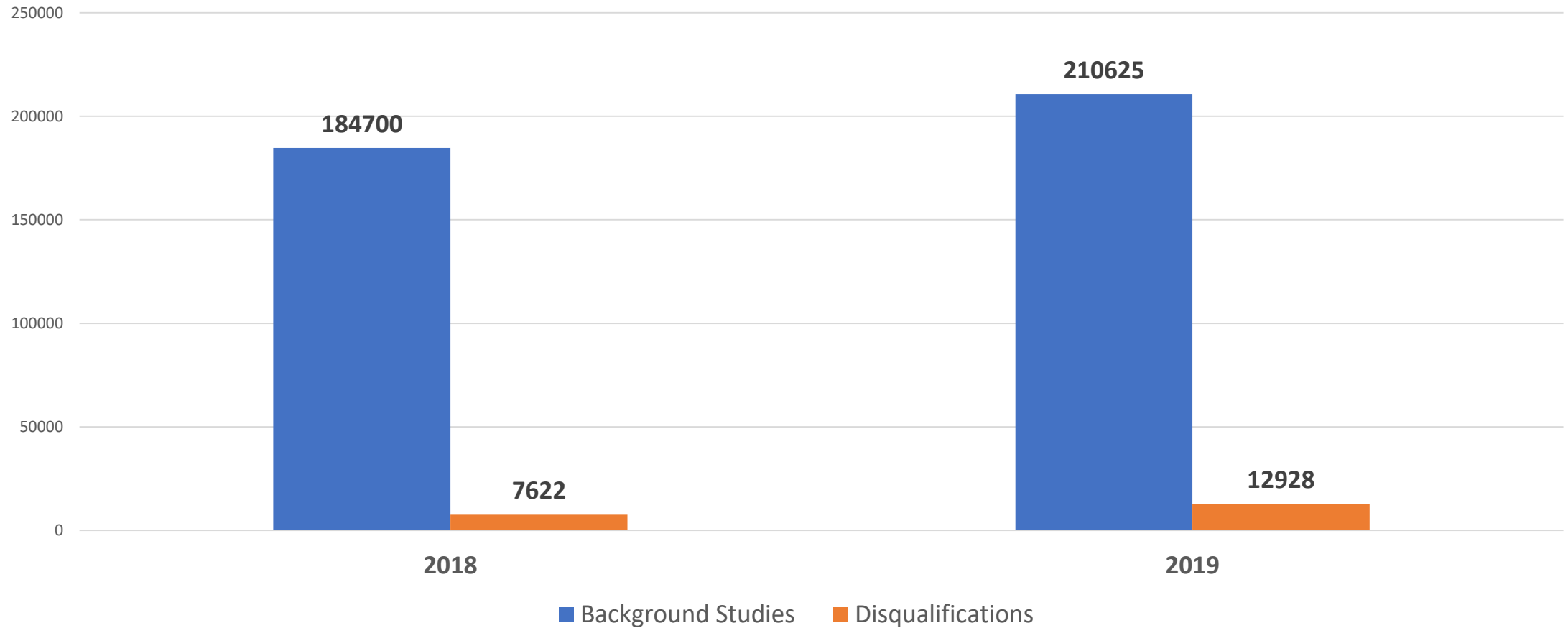
Juvenile Records: In Minnesota, juvenile records are not criminal records.

- (Not talking about those charged as adults).
- Although many of these cases are not “public data,” reviewing agency must use this data when making decisions about disqualification.
- Under current law, one applies the same disqualification period for a juvenile case as an adult case. So, sticking with the drug, a felony level drug cases that occurs when 15 years old, will continue to disqualify for 15 years.

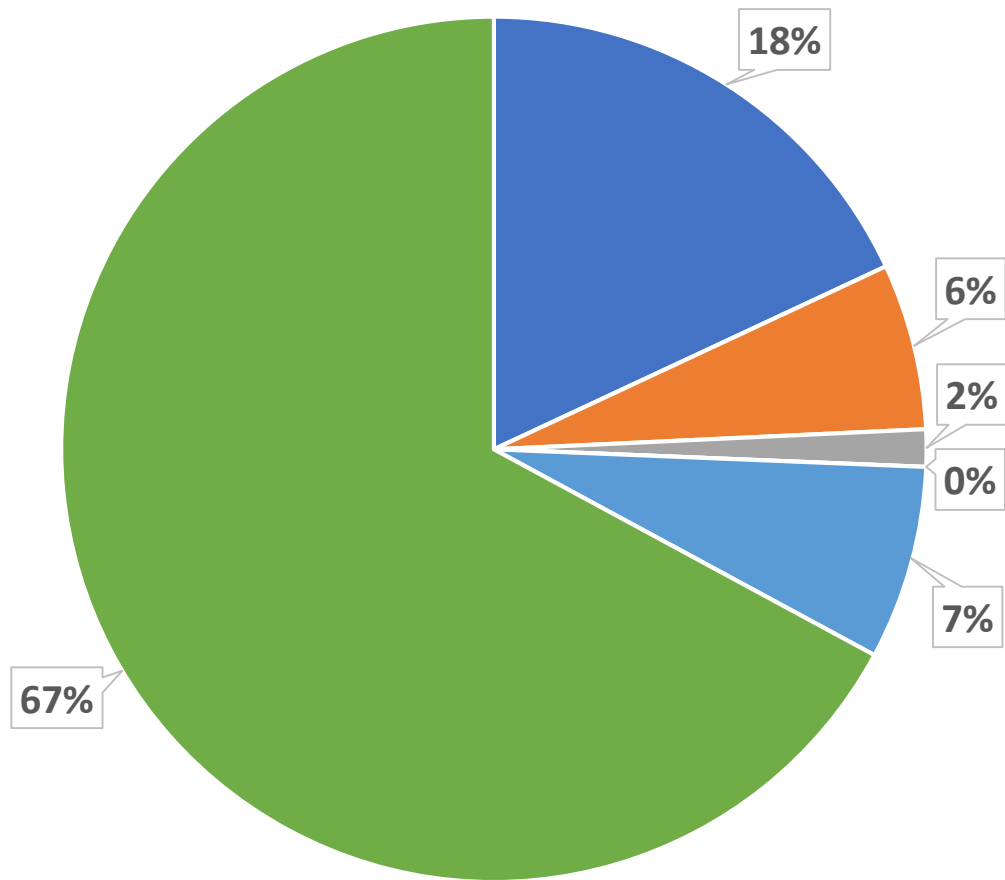
# Two-Prong Approach

- The changes identified by the BGS Task Force may be best addressed in two or more changes.
- For example, the Task Force recommended removing non-conviction cases from BGS statute. Currently, can be disqualified based on non-conviction.
- Some cases are permanent disqualification without a chance for review.
- All findings and recommendations in Task Force Report
- [Human Services Background Study Eligibility Task Force Interim Report \(mn.gov\)](#)

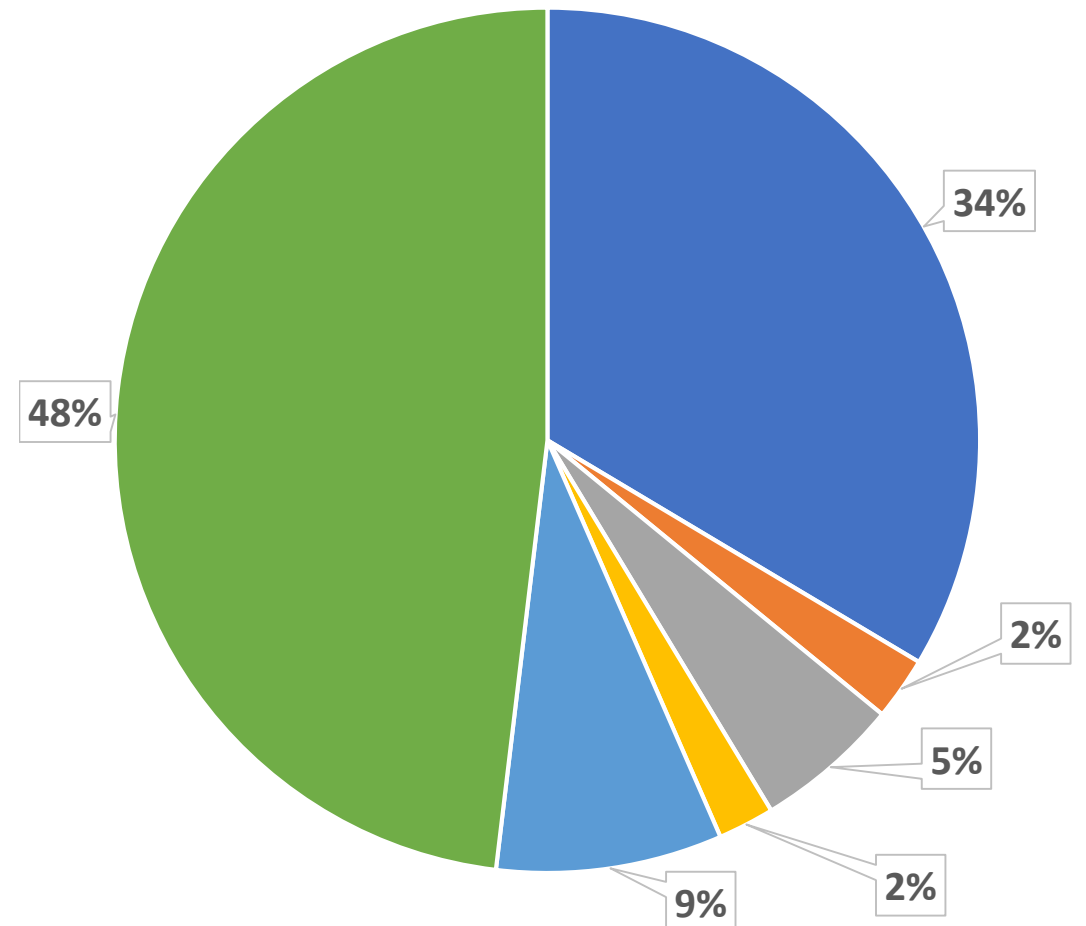
# Total Background Studies and Disqualifications (2018 and 2019)



Distinct count of *persons* with at least one **eligible** determination by race/ethnicity (2018 and 2019 Grand Total)

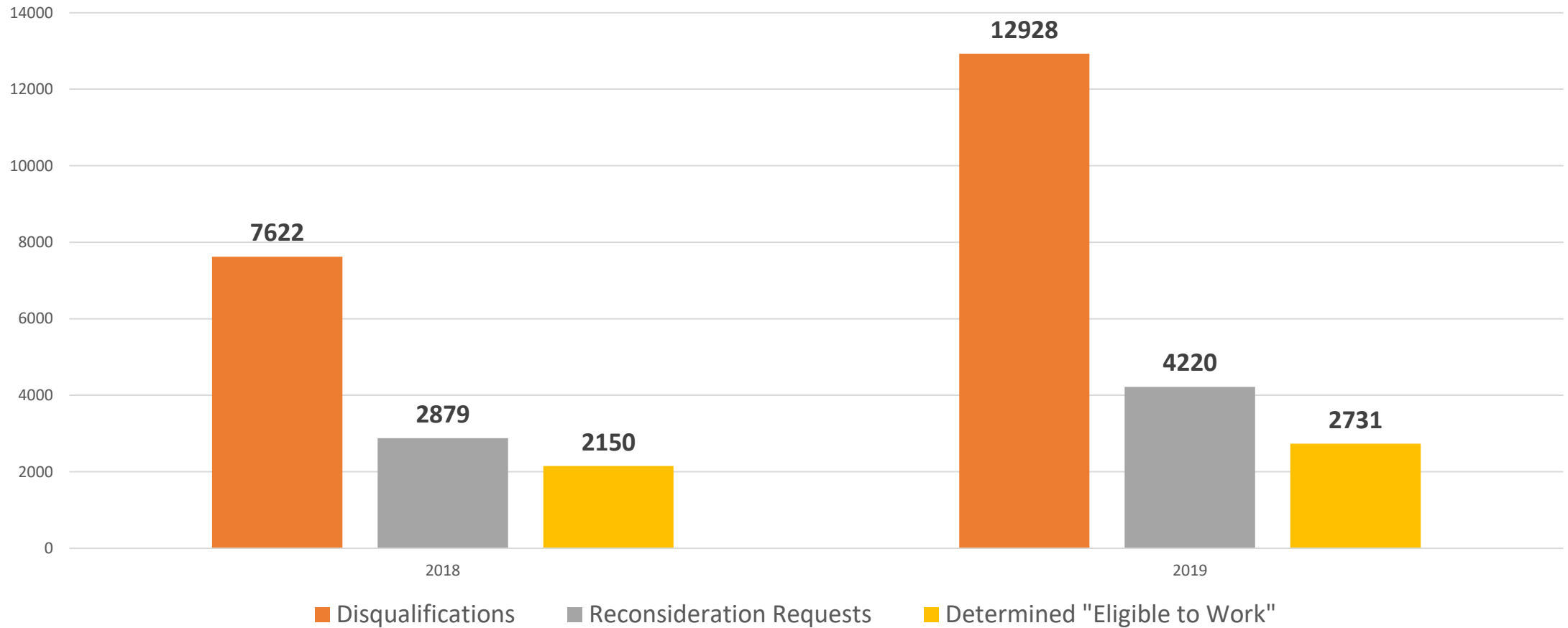


Distinct count of *persons* with at least one **disqualifying** determination by race/ethnicity (2018 and 2019 Grand Total)





# Disqualifications, Reconsideration Requests, and "Eligible to Work" Determinations (2018 and 2019)



# 7 Year Disqualification Analysis – 2018 & 2019

2018 Top 10 Reconsideration Requests by Type	# (Total: 1578)	Det. “Elig. to Work”	%
609.52 - THEFT	482	353	73%
609.2242 - DOMESTIC ASSAULT	348	281	81%
626.556 - SERIOUS MALTREATMENT - MINOR	119	101	85%
609.224 - ASSAULT IN THE 5TH DEGREE	81	51	63%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	77	68	88%
626.557 - SERIOUS MALTREATMENT - VULNERABLE ADULT	60	49	82%
609.535 - ISSUANCE OF DISHONORED CHECKS	57	51	89%
626.556 - RECURRING MALTREATMENT - MINOR	51	33	65%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	37	<10	-----
518B.01 - DOMESTIC ABUSE ACT.	33	19	58%

2019 Top 10 Reconsideration Requests by Type	# (Total: 2279)	Det. “Elig. to Work”	%
609.52 - THEFT	821	519	63%
609.2242 - DOMESTIC ASSAULT	385	282	73%
609.224 - ASSAULT IN THE 5TH DEGREE	178	109	61%
626.556 - SERIOUS MALTREATMENT - MINOR	126	67	53%
609.535 - ISSUANCE OF DISHONORED CHECKS	115	110	96%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	92	76	83%
518B.01 - DOMESTIC ABUSE ACT.	64	44	69%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	62	13	21%
626.556 - RECURRING MALTREATMENT - MINOR	49	30	61%
626.556 - SERIOUS AND RECURRING MALTREATMENT - MINOR	44	15	34%

# 7 Year Disqualification Analysis – 2018

2018 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	2938	482	16%
609.2242 - DOMESTIC ASSAULT	862	348	40%
626.556 - SERIOUS MALTREATMENT - MINOR	255	119	47%
609.224 - ASSAULT IN THE 5TH DEGREE	400	81	20%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	185	77	42%
626.557 - SERIOUS MALTREATMENT - VULNERABLE ADULT	64	60	94%
609.535 - ISSUANCE OF DISHONORED CHECKS	200	57	29%
626.556 - RECURRING MALTREATMENT - MINOR	316	51	16%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	201	37	18%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
353	73%	12%
281	81%	33%
101	85%	40%
51	63%	13%
68	88%	37%
49	82%	77%
51	89%	26%
33	65%	10%
<10	---	---

# 7 Year Disqualification Analysis – 2019

2019 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	4819	821	17%
609.2242 - DOMESTIC ASSAULT	1343	385	29%
609.224 - ASSAULT IN THE 5TH DEGREE	764	178	23%
626.556 - SERIOUS MALTREATMENT - MINOR	418	126	30%
609.535 - ISSUANCE OF DISHONORED CHECKS	359	115	32%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	259	92	36%
518B.01 - DOMESTIC ABUSE ACT.	256	64	25%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	320	62	19%
626.556 - RECURRING MALTREATMENT - MINOR	658	49	7%
626.556 - SERIOUS AND RECURRING MALTREATMENT - MINOR	263	44	17%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
519	63%	11%
282	73%	21%
109	61%	14%
67	53%	16%
110	96%	31%
76	83%	29%
44	69%	17%
13	21%	4%
30	61%	5%
15	34%	6%

# 10 Year Disqualification Analysis – 2018 & 2019

2018 Top 8 Reconsideration Requests by Type (Top 10 not available due to <10 responses in remaining categories)	# (Total: 249)	Det. “Elig. to Work”	%
609.52 - THEFT	78	61	78%
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	19	13	68%
609.2242 - DOMESTIC ASSAULT	14	<10	----
609.821 - FINANCIAL TRANSACTION CARD FRAUD	14	11	79%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	13	10	77%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	13	<10	----
609.535 - ISSUANCE OF DISHONORED CHECKS	12	<10	----
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	12	11	92%

2019 Top 10 Reconsideration Requests by Type	# (Total: 422)	Det. “Elig. to Work”	%
609.52 - THEFT	113	81	72%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	43	38	88%
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	33	29	88%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	31	18	58%
609.535 - ISSUANCE OF DISHONORED CHECKS	27	25	93%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	18	12	67%
609.2113 - CRIMINAL VEHICULAR OPERATION; BODILY HARM	16	11	69%
609.2242 - DOMESTIC ASSAULT	15	12	80%
609.378 - NEGLECT OR ENDANGERMENT OF A CHILD	15	10	67%
609.2231 – ASSUALT IN THE FOURTH DEGREE	13	<10	-----

# 10 Year Disqualification Analysis – 2018

2018 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	315	78	<b>25%</b>
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	56	19	<b>34%</b>
609.2242 - DOMESTIC ASSAULT	62	14	<b>23%</b>
609.821 - FINANCIAL TRANSACTION CARD FRAUD	85	14	<b>16%</b>
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	29	13	<b>45%</b>
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	70	13	<b>19%</b>
609.535 - ISSUANCE OF DISHONORED CHECKS	44	12	<b>27%</b>
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	30	12	<b>40%</b>

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
61	<b>78%</b>	<b>19%</b>
13	<b>68%</b>	<b>23%</b>
<10	-----	-----
11	<b>79%</b>	<b>13%</b>
10	<b>77%</b>	<b>34%</b>
<10	-----	-----
<10	-----	-----
11	<b>92%</b>	<b>37%</b>

# 10 Year Disqualification Analysis – 2019

2019 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	474	113	24%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	68	43	63%
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	48	33	69%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	115	31	27%
609.535 - ISSUANCE OF DISHONORED CHECKS	94	27	29%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	61	18	30%
609.2113 - CRIMINAL VEHICULAR OPERATION; BODILY HARM	53	16	30%
609.2242 - DOMESTIC ASSAULT	75	15	20%
609.378 - NEGLIGENCE OR ENDANGERMENT OF A CHILD	55	15	27%
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	52	13	25%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
81	72%	17%
38	88%	56%
29	88%	60%
18	58%	16%
25	93%	27%
12	67%	20%
11	69%	21%
12	80%	16%
10	67%	18%
<10	----	----

# 15 Year Disqualification Analysis – 2018 & 2019

2018 Top 9 Reconsideration Requests by Type (Top 10 not available due to <10 responses in remaining categories)	# (Total: 603)	Det. “Elig. to Work”	%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	183	115	63%
609.52 - THEFT	72	42	58%
169A.20 - FELONY DRIVING WHILE IMPARED	68	58	85%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	57	44	77%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	53	40	75%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	35	31	89%
609.582 - BURGLARY	22	17	77%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	17	10	59%
609.713 - TERRORISTIC THREATS	10	<10	-----

2019 Top 10 Reconsideration Requests by Type	# (Total: 1170)	Det. “Elig. to Work”	%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	369	213	58%
609.52 - THEFT	158	96	61%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	94	67	71%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	90	68	76%
169A.20 - FELONY DRIVING WHILE IMPARED	87	67	77%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	61	42	69%
609.582 - BURGLARY	44	29	66%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	38	22	58%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	31	27	87%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	23	12	52%



# 15 Year Disqualification Analysis – 2018

2018 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	746	183	25%
609.52 - THEFT	482	72	15%
169A.20 - FELONY DRIVING WHILE IMPARED	205	68	33%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	135	57	42%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	162	53	33%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	109	35	32%
609.582 - BURGLARY	202	22	11%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	231	17	7%
609.713 - TERRORISTIC THREATS	74	10	14%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
115	63%	15%
42	58%	9%
58	85%	28%
44	77%	33%
40	75%	25%
31	89%	28%
17	77%	8%
10	59%	4%
<10	-----	-----

# 15 Year Disqualification Analysis – 2019

2019 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	1599	369	<b>23%</b>
609.52 - THEFT	982	158	<b>16%</b>
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	211	94	<b>45%</b>
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	341	90	<b>26%</b>
169A.20 - FELONY DRIVING WHILE IMPAIRED	262	87	<b>33%</b>
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	204	61	<b>30%</b>
609.582 - BURGLARY	414	44	<b>11%</b>
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	104	38	<b>37%</b>
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	295	31	<b>11%</b>
609.821 - FINANCIAL TRANSACTION CARD FRAUD	215	23	<b>11%</b>

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
213	<b>58%</b>	<b>13%</b>
96	<b>61%</b>	<b>10%</b>
67	<b>71%</b>	<b>32%</b>
68	<b>76%</b>	<b>20%</b>
67	<b>77%</b>	<b>26%</b>
42	<b>69%</b>	<b>21%</b>
29	<b>66%</b>	<b>7%</b>
22	<b>58%</b>	<b>21%</b>
27	<b>87%</b>	<b>9%</b>
12	<b>52%</b>	<b>6%</b>