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Statewide Expungements Program
The Advisory Group welcomed a presentation by Nilushi Ranaweera from the Office of the Attorney General on a new statewide expungements program which guides Minnesotans with certain convictions to apply online to expunge those records. The program offers a more streamlined, accessible process, requiring no petition, no filing fee, and no court appearance.

Expungement seals records in dismissals, acquittals, diversion, misdemeanors, gross misdemeanors, and about 70 enumerated felonies. An expungement can only happen with an applicable record after a waiting period which varies based on the offense. Once initiated, the court will conduct a 12-factor analysis of the applicant which looks at factors such as criminal history, reasons for seeking expungement, employment and community involvement, and recommendations of interested parties such as law enforcement or prosecutorial officials. Law enforcement and court officials still have access to the record for investigation or sentencing enhancement purposes, but it will no longer appear on standard background checks.

In cases where there is a nexus between a criminal record and a person’s status as a crime victim (e.g., due to domestic abuse or sex trafficking), applicants can have their former status restored and legally deny having that criminal record.

Comparing the paths to expungement
Minnesota Statutes, section 609A lays out the steps for expungement using two methods: expungement by petition, and by prosecutor agreement.
  • With by petition, an applicant needs to hire a lawyer, pay a $300 filing fee, and appear in court.
  • With by prosecutor agreement, applicants avoid these potential barriers, as the pleadings, service, and filing are done by the prosecutor. Both methods for expungement have the same applicable offense, waiting period, and 12-factor analysis requirements.

Applicants choosing the prosecutor agreement path begin by using the mobile-friendly program website HelpSealMyRecord.org to see if they qualify for an expungement and, if so, to complete an application. The Attorney General’s Office then sends qualifying applications to the appropriate local prosecutors who decide whether to expunge the records. If denied, applicants receive information on how to seek an expungement by petition and contact information for attorneys. Common reasons for denial include the waiting period not being met, an ineligible conviction for expungement, and the local prosecutor not agreeing to the expungement.

The Attorney General’s Office launched HelpSealMyRecord.org on October 1, 2020. Since the launch, 1,671 applications for expungement have been submitted from all 87 counties. So far, 200 applications have been reviewed, resulting in 141 eligible and 59 not-eligible determinations. The Attorney General’s Office has had difficulties in locating some records, especially for older cases.

The Attorney General’s Office has been seeking ways to bring more awareness of the expungement by prosecutor agreement option to those who are denied housing, employment, or have other difficulties because of a conviction on their record. They are also seeking to expand the publicity of the program among minority groups and are giving presentations to relevant organizations and doing community outreach. Advisory Group members are encouraged to share
Identification Standards White Paper

The Data & Identification Standards subcommittee gave the Advisory Group an update on the status of its identification standards white paper, and next steps needed from the group.

The subcommittee will create a cover letter including a brief summary of the issue, and then send the cover letter and the draft white paper to members of the Advisory Group. The subcommittee encourages Advisory Group members to share the white paper with relevant stakeholders at their organizations to gather relevant feedback. Feedback can be shared with the subcommittee before or during the next Advisory Group meeting.

The subcommittee plans to refine the white paper with any additional feedback after which the Advisory Group can share it with legislators for future consideration.

Upcoming Focuses, Potential Directions

The Advisory Group opened discussion about its purpose statement and looked at potential topic areas as it looks to the future.

James Densley proposed looking at the use of apps for gathering tips on emergency situations, crises, and threats. James pointed to several states that successfully implement such apps, which allow for anonymous tips that can then be triaged for a potential law enforcement response. The Minnesota Fusion Center, housed in the BCA, has an app that is used for reporting tips connected to suspicious activity or threats such as terrorism. James will present on this topic at the next meeting, along with BCA staff providing more information about the Fusion Center app.

Members expressed interest in exploring the topic of data sharing between counties, and whether there is currently an appetite for more sharing of law enforcement data between agencies across county lines. The Advisory Group welcomed more information from the Minnesota Chiefs of Police Association on this topic, which has focused on this issue in the past on its legislative agenda.

The Advisory Group established a new subcommittee on diversity and inclusion focused on identifying ways to “improve access of diverse voices to the group.” The group identified four options as starting points:

- Inviting relevant organizations to share their perspectives in a non-voting/non-membership role.
- Asking appointing authorities to consider representing the diversity of Minnesota when appointing new members to the Advisory Group.
- Looking into the statutes that determine the appointing process.
- Adding diverse voices to Advisory Group subcommittees, as subcommittee participants do not necessarily need to be Advisory Group members.

The new subcommittee will look at these possibilities and provide an update at the next meeting.

Updates and Announcements

- The Advisory Group welcomes Representative Heather Edelson. Heather represents the Edina area and serves on the House Public Safety Committee. She has experience working on juvenile justice issues at the legislature.
- A presentation on the Rap Back program will be postponed until the May meeting.

Next Advisory Group Meeting
Friday, May 14, 2021
9 a.m. – 11 a.m.
Location TBD