



HOUSING BEST PRACTICES FORUM

Welcome!

Agenda

- Logistics – Nichole Meyer (5 minutes)
- Dept of Corrections Resources – Kate Erickson (10 min.)
- Housing, Criminal History Barriers, and Expungement – Andrea Palumbo (45 minutes)
- Washington County Expungement E-blast – Sarah Tripple (5 minutes)
- Creative Practices in Itasca County – Northland Counseling (35 minutes)-Lorna Mix and Audrey Moen
- Room Discussions (10 minutes)
- Questions and Closing – Nichole Meyer (10 minutes)

Logistics

(boring yet necessary)

- Hosts:
 - ▣ Nichole Meyer, Wright County
 - ▣ Sarah Tripple, Washington County
 - ▣ Kate Erickson, Minnesota Department of Corrections
 - ▣ Heidi Sandberg, DHS
 - ▣ Julia Welle Ayres, DHS
- 28 Sites!
 - ▣ Keep microphones muted, but let us know if you can't hear!
 - ▣ No questions during presentation
 - ▣ Small group discussions
- Questions: DHS Housing Options email: dhs.housingoptions@state.mn.us
- Materials on <http://mn.hb101.org/>
- Follow up evaluation

What are we hoping to achieve?

- More choices and control for people over their housing and services
- Leverage resources as best we can
- Collaboration between counties, tribes and providers to develop creative housing options for individuals
- Share success stories and best practices used in your community
- Forward identified policy/resource barriers to decision-makers

Ultimate goal: Everyone has the opportunity to live in integrated housing of their choice.

Format of Forums

- Every other month (evens), third Monday, 1:30-3:30
- Taped presentation and materials available post-session on mn.HB101.org (partners tab)
- Steering Committee to oversee agenda and topics

Welcome

- Kate Erickson, Department of Corrections
- Description of Kate's Role
- Can use you DOC Resources?
- Contact Kate at Kate.a.Erickson@state.mn.us
- Resources:
 - <http://www.mnsecondchancecoalition.org/>
 - <https://sites.google.com/site/mnsorp/housing-1/tips-for-finding-housing-for-ex-offenders>
 - <http://www.doc.state.mn.us/PAGES/index.php/about/reports-and-publications/backgrounders/>

Criminal Expungement

- The Council on Crime and Justice
- General Website:
<http://crimeandjustice.org/index.cfm>
- Aftermath Website:
<http://www.criminalrecordsaftermath.com/>

What are Criminal Records?

- ❑ Bureau of Criminal Apprehension (BCA)
- ❑ Minnesota Court Information System (MNCIS)
- ❑ Police Department
- ❑ City Attorney
- ❑ Sheriff's Department
- ❑ County Attorney
- ❑ State Attorney General
- ❑ Department of Corrections
- ❑ Department of Human Services

- ❑ Private data-miners
- ❑ Private theft databases

WHAT Records Say

- Levels:
 - Felony
 - Gross Misdemeanor
 - Misdemeanor
 - Petty Misdemeanor

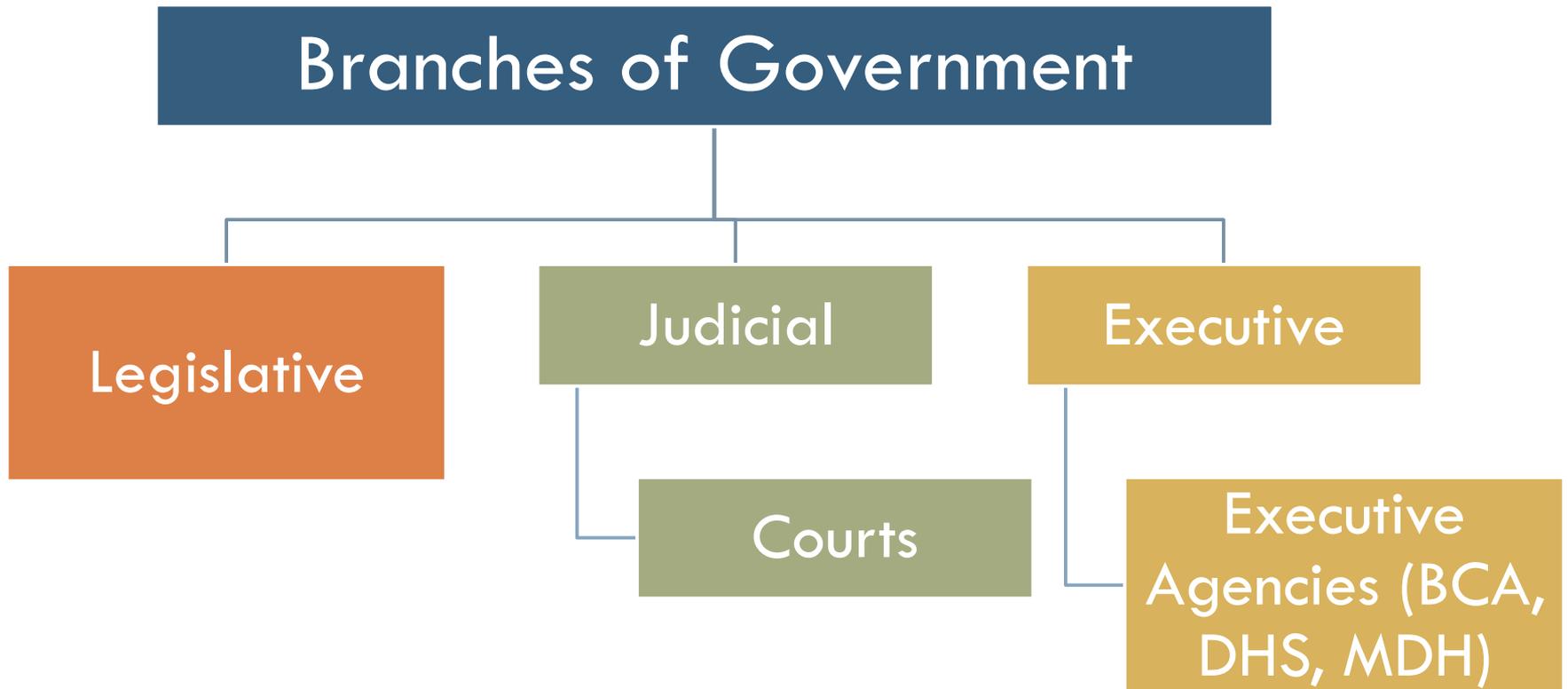
- Dispositions
 - Arrest
 - Dismissal
 - Continuance for Dismissal
 - Stay of Adjudication
 - Stay of Imposition
 - Stay of Execution
 - Executed Sentence
 - Acquittal

Basics of Expungement Law

- Court-ordered sealing of government-held records
- Not destruction of a record

- Sealed records may be opened for future investigation and prosecution, and for background checks for law enforcement positions.

Why was Expungement Reform Needed?



Statutory Expungement (yesterday)

Minn. Stat. §609A.02 Subd. (3) only included:

1. Certain controlled substance offenses.
2. Juveniles prosecuted as adults.
3. Certain criminal proceedings not resulting in conviction.
 - ▣ All charges in the case resolved entirely in the petitioner's favor without any plea or admission of guilt

Statutory Expungement

(Today = Yesterday + Additions)

All categories that used to qualify for statutory expungement still do (“Yesterday”). Today, Minn. Stat. §609A.02 Subd. (3) has expanded to include:

4. Stays of Adjudication & Diversion; 1 year after completion of sentence if crime free
5. Convictions for petty misdemeanors & misdemeanors; 2 years after discharge of sentence if crime free
6. Gross misdemeanors; 4 years after discharge of sentence if crime free
7. Select non-violent felonies; 5 years after discharge of sentence if crime free

What Felonies are Covered?

50 non-violent felonies from the 2 lowest levels of the Sentencing Guidelines, including:

- ▣ 5th degree drug possession and sale
- ▣ Criminal damage to property if less than \$1000
- ▣ Aggravated forgery
- ▣ Various fraud offenses
- ▣ Check forgery if less than \$2500
- ▣ Theft if less than \$5000

What about Juvenile Records?

Old Law, Minn. Stat. § 260B.198 subd. 6:

- The court “may expunge an adjudication of delinquency at any time that it deems advisable.”
- *In re Welfare of J.J.P.* in 2013 determined that this only allowed for sealing of actual court order adjudicating delinquency.

What about everyone else?

Benefits of a judicial records expungement:

- ❑ Still may be useful for minor offenses that have not been reported to the BCA
- ❑ The order is better than nothing, and if it is well drafted, could help your client with job interviews, housing applications, etc.
- ❑ Update the BCA records. Send a demand letter to the BCA with the expungement order. Minn. Stat. §13.01, §13.04
- ❑ Safe Hiring – limits employer's liability. Minn. Stat. §181.981

Overall Process

- Prepare Petition
- File and Serve Petition
- Wait 60 days – possible objections
- Court Hearing and Order
- Wait 60 days – appeals period
- Order is Final!

Preparing the petition

- Gather documents about the offense
 - ▣ BCA record –public and private records from BCA
 - ▣ Law enforcement – police or sheriff
 - ▣ Court records – look up and print records at a courthouse

Writing the petition

- Affidavits or letters of support
 - People who knew you then and know you now and can talk about how you have changed
 - People in your career field who will verify how difficult it is to get a job with a record
 - If in AA or NA – sponsors
 - Vocational counselors, social workers, job coaches
 - Pastors, ministers, imams
 - Former or current coworkers (be careful here)



Benefit \geq Harm

Burdens



Low threat level

Burden of Proof

- Burden of proof varies depending on how case was resolved:
 - ▣ Resolved in Favor, Stay of Adjudication and Diversion cases with no guilty plea
 - ▣ Not Resolved in Favor – guilty plea, Alford plea, admission to elements of offense

Burden of Proof

Resolved in Favor, Stay of Adjudication and Diversion cases with no guilty plea:

“The court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.” 609A.03 Subd. 5

Burden of Proof, Standard

Not Resolved in Favor – guilty plea, Alford plea, admission to elements of offense:

“expungement of a criminal record is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.” 609A.03 Subd. 5

At the hearing

- This is your chance to tell your story
- How is your record hurting you?
- How will sealing your record help you?
- How have you changed since you committed the crime?
- Be polite! Don't interrupt the judge!
- The judge may ask you questions. Be prepared for that.
- Bring people to support you in the courtroom

How does the court decide?

Factors the court will consider:

- nature and severity of the crime
- the risk the petitioner poses to individuals or society
- the length of time since the crime occurred
- steps taken by the petitioner toward rehabilitation following the crime
- aggravating or mitigating factors relating to the crime
- reasons for the expungement, including the petitioner's attempts to obtain employment, housing, or other necessities
- petitioner's criminal record
- petitioner's record of employment and community involvement
- recommendations of interested law enforcement, prosecutorial, and corrections officials
- recommendations of victims or whether victims were minors
- amount, if any, of restitution outstanding
- other factors deemed relevant by the court.

Reasons for Denial

- **Minn. Stat. § 609A.02 Subd. 4**
 - Court may not seal records of an offense for which the petitioner is required to register as a predatory offender
- **Owing to the court**
 - Fines
 - Warrants
- **Factors**
 - Violent v. non-violent
 - Felony, gross misdemeanor, misdemeanor, petty
 - Time since the offense; clean history
- **Traffic Offenses**
 - Generally not subject to expungement

Resources



- Council on Crime and Justice Criminal Records Information Line: 612-353-3024
- criminalrecordsaftermath.com
- Volunteer Lawyers Network: 612-752-6677 (client intake line)

Questions?



Andrea Palumbo

palumboa@crimeandjustice.org

NOTE: The content of this document is intended for general educational purposes only, and is not legal advice. It is not exhaustive or specific. Those seeking legal advice should contact an attorney.

Links to Court Forms

- **Links to Expungement and Record Request Forms**
- The [Minnesota Judicial Branch](http://www.mncourts.gov/) has a website that has forms that you will need to pursue criminal expungement. The main web address is:
<http://www.mncourts.gov/>
 - ▣ forms for criminal expungement and expungement of eviction records
 - ▣ forms about Forma Pauperis, the process needed to request fee waivers
 - ▣ link to access case records.
 - ▣ link to the various Court Districts, which will also have links to access forms to request records.

Links to Criminal History Record

- The Bureau of Criminal Apprehension (BCA) also has a website with [information to request criminal history records](#).
- You may request a printed copy of your own criminal history record by writing or visiting the BCA office. You will receive both public and private data. Written requests must include: full name with correct spelling, date of birth, and any other names used, including maiden and former married names. Your request must be signed, dated, and notarized by a notary public. If your request is for immigration purposes or for use outside of the United States, please indicate that in your request. Enclose a personal check, money order, cashier's check, certified or business check, for \$8.00 made payable to the BCA. Include a self-addressed, stamped envelope. Response time for mail requests is approximately two weeks. The mailing address is:
 - Minnesota Bureau of Criminal Apprehension
Minnesota Justice Information Services - CHA
1430 Maryland Ave. E.
St. Paul, MN 55106
- If you wish to view your criminal history record the lobby hours are 8:15 a.m. to 4:00 p.m., Monday through Friday, closed on holidays. You will need to provide some acceptable form of identification, e.g. driver's license. Fingerprints may be required to verify your identity. There is no fee charged to view your record, however there is an \$8.00 fee for a printed copy.

Itasca County Housing Services and Supports

- A Multi – Agency Team Approach To Service Delivery
- Presenters: Lorna Mix and Audrey Moen

Itasca County Housing Services and Supports

Northland Counseling Center, Inc. is a comprehensive mental health and chemical dependency dual diagnosis provider for Itasca County

Offering

Psychiatric

Mental Health

Chemical Dependency

Community Programs

Contact us at:

Northland Counseling Center, Inc

215 SE 2nd Avenue Grand Rapids
MN

PH: 218.326.1274

Toll Free: 1.800.450.1274

Visit our Website at:

www.northlandcounseling.org

Housing programs and service delivery

Point of Contact if you have a mental illness- need Housing and/or Housing supports

- HUD Funded 14 single-room occupancy (SRO) units and 14 scattered permanent support housing (PSH) sites.
- Service Provider for 5 units funded by Minnesota Housing Finance Agency (MHFA) for people experiencing long-term homelessness (LTH)
- Service Provider for Housing Trust Fund (HTF) Pilot program (MHFA, MN Department of Corrections (DOC) and Itasca County Housing Redevelopment Authority (HRA))
- Release Advance-Planning (RAP) Team member and service provider for the RAP program.
- Work in a Multi Agency Team approach for Service Delivery/part of Local Advisory Committee (HIAC) & the NE Continuum of Care

The Housing Institute Team

Diverse group of agencies working together to provide safe, secure affordable housing, training and housing supports in our community.

KOOTASCA Community Action

MN Dept of Corrections

GRACE House Shelter

Itasca County HRA

Northland Counseling Center, Inc.

Itasca County Health & Human Services

Itasca County Probation

Our Developer is DW Jones Management

MN Housing Partnership made the training possible !

Part of what we Accomplished...

- Selected & Completed a One Year Comprehensive Training provided by MN Housing Partnership
- Developed a Housing & Market Study for Itasca County & presented data.
- Engaged Community – City, County, Agencies, Board members, Businesses
- Created Homes For All.....

Beacon Hill is FUNDED !!

- **48 units**
 - **20 units in apartment style building**
 - **28 two and three bedroom townhome units**
- **Anticipated Rents**
 - **\$570.00; \$620.00; \$690.00**
 - **Rental subsidy will be available for some units**
- **Community Center, green space, playground**
- **Approximately \$8.6 million Total Development Cost**

**** Drafting of Townhomes**



Housing Information Advisory Committee (HIAC)

HIAC and its Purpose

- ❑ A Collaboration of entities in Itasca County addressing Housing and Homelessness
- ❑ The Group works together to resolve housing issues, compile community data, apply for funding, assist with planning and increase community awareness.
- ❑ Members include but are not limited to: Grace House Homeless shelter, KOOTASKA, Salvation Army, NCC, Hope House & Project Clean Start, Legal Aid, Advocates for Family Peace, AEOA, Rural Rides, ICHRA, ICH&HS, Itasca County Veteran's Services, MAC-V

Members and Involvement

- ❑ A team working together to develop the Coordinated Entry process.
- ❑ Provides Landlord /Tenant Education
- ❑ Part of the local, State and Federal plan to end homelessness
- ❑ HUD Funded Housing members are part of the NE Continuum of Care
- ❑ Actively engaged in Wilder Homeless Count
- ❑ Establishes the area Community Connect for area housing and outreach services yearly.
- ❑ HIAC is a Policy making group for the Family Home Prevention Funds (FHPF)

Release Advance Planning Team (RAP-T) and the Bryce Justice Assistance Grant

RAP Team Members

- Grand Rapids Police Department
- Itasca County Court Services,
- Minnesota Department of Corrections
- Itasca County Health and Human Services
- Itasca County Housing and Redevelopment Authority
- Grace House
- Zion Lutheran Church
- Crisis Response Team
- Northland Counseling Center

The Itasca County Sherriff's Dept. was awarded a grant due to its partnerships

- Purpose of grant is to reduce recidivism in our local jail, increase public safety, reduce pressure on criminal justice system and improve reentry outcomes for incarcerated individuals
- Northland Counseling Center provides the staff for the Reentry Coordinator who assists individuals as they are released from jail to access services and support to help increase self sufficiency's. Services range from housing, employment, mental health, chemical dependency and benefits assistance.
- RAP-T works in partnership to reduce barriers and open access to needed services.

Scenarios and Outcomes, about working together, having choices...

- Person in Crisis Bed – came in homeless, nearly died of alcohol abuse, mental illness, chose tent over housing for now. Wet house?
- Person came out of prison, did well for awhile, dropped supports, warrant issued...lost housing, job etc
- A collaborative effort - Working closely with area law-enforcement, MN DOC and local jail, HIAC, COC members, Area agencies...
- Current use of the Coordinated Entry process
- Engaging landlords means being available, having trust, using community resources. Taking the “problems” out of the landlords hands.
- Smoking in the apartment, companion pets, teaching skills, when crisis team needs to be called
- The lesson’s learned.....

A Scenario and its outcomes

- ❖ Single Mom – 2 children guest at Grace House Shelter – LTH family
- ❖ Met KOOTASKA case manager
- ❖ Entered Transitional Housing
- ❖ Children temporarily placed with friends & reunited.
- ❖ Received 19 mo of Children Mental Health Services. Mother received Adult Mental Health Services – Later MH Case Management & ARMHS

ROAD Blocks: Less than .05% available subsidized housing in area; Parent was working overtime as employer was short staff, became O/Income for Subsidy, insurance going up, wanted more education, working nights, children affected by lack of supervision.

- ❑ Assessments and intervention to stable the home.
- ❑ Mom became employed
- ❑ Children returned to school
- ❑ Applied for Bridges/Sect 8, PSH
- ❑ Applied for Market Rate Housing

A new PSH initiative started, with in 2 days was accepted as MN LTH, has subsidized housing starting Sept/15 Family will continue supports, transition with KOOTASCA case management, maintain MH case management, ARMHS and will add Tenant Service Coordination for housing support FHPF assisted with 1st Mo rent and S/Deposit . NCC assisting with furniture.

Outcome: Mom will be able to work 28-30 hours keep insurance costs down, hopefully return to College, children will have mom at home at night !

Room Discussions

- Which approaches have you used?
- What similarities did you see?
- What differences or contradictions?
- Could you use any of these with your target population?
- What ideas were missing?

Wrap-up - Nichole

- Comments or questions?
 - DHS Housing Options email:
dhs.housingoptions@state.mn.us
- Presentation and materials available:
- <http://mn.hb101.org/>
- Complete evaluation
- Future sessions

Steering Committee Members

- Kate Erickson, Department of Corrections
- Vicki Farden, Minnesota Housing Finance Agency (Supportive Housing)
- Colleen Fodness, Dakota County
- Julie Grothe, Guild, Inc.
- Mari Moen, DHS (Direct Care and Treatment)
- Jeannie Nelson, DHS (Moving Home Minnesota)
- Becky Melang, CSH
- Nichole Meyer, Wright County
- Alison Niemi*, DHS (Housing)
- Kelsey Nylene, Fraser
- Stacey Ray, Catholic Charities
- Heidi Sandberg*, DHS (Section 811)
- Alicia Smith, DHS (Indian Policy)
- Ed Sootsman, Hennepin County
- Nan Stubenvoll, DHS (Alternatives to Foster Care)
- Lynette Studer, DHS (Transition to Community)
- Gary Travis, DHS (PATH, PSH)
- Sarah Tripple*, Washington County
- Julia Welle Ayres,* DHS (Housing)
- Dianne Wilson, DHS (Alcohol and Drug Abuse Division)
- Leah Zoladkiewicz, Department of Human Services (DHS) (HCBS)

*Planning Committee Members