



Minnesota Justice Monthly

Response to 12/11/11 Star Tribune Article: "State OKs Care Jobs for Former Criminals".

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The article published on December 11, 2011 "State OKs Care Jobs for Former Criminals" is sensationalist, misleading, and incomplete.

Yes, the Department of Human Services (DHS) conducts background checks on persons seeking to work with vulnerable people; yes, many of those checks result in automatic disqualifications; and yes, waivers (or set-asides) are granted to some petitioners.

But there's more to the picture. DHS conducts background checks on persons seeking to work or volunteer in a field or facility that may provide direct care to vulnerable people. This includes, as the article illustrates, nursing home workers and nurses' aids, but also janitors, cafeteria workers, volunteers and interns. All told, DHS, mandated by state legislation, conducts approximately 400,000 to 500,000 background studies a year. That means that during the past six years, Minnesota has granted waivers to approximately **less than one percent** of all petitioners upon whom checks were conducted.



The article also fails to mention that the mandatory disqualifications are based not only on conviction - but on acquittals, dismissals, and even arrests without charges. In other words, a Minnesotan can be wrongfully arrested, a reviewing prosecutor can decline pressing charges, and yet years later the Minnesotan will still be disqualified from working as a Personal Care Assistant with her grandmother. And DHS is not bound by recent records, but rather its examinations reach back years - at times indefinitely - into youthful mistakes and juvenile records. That means a 13 year-old's nascent hopes of being a doctor or a teacher could be foreclosed before he leaves middle school.

In a state where the conservative estimate finds 1 in 5 Minnesotans with a criminal record, we simply cannot afford to perpetually punish people for past mistakes. And due to the disproportionate impact of the criminal justice system on communities of color, the more blindly stringent these disqualifiers become, the more unjust and extreme their impacts will be on already struggling communities - especially now that health care is one of the few growing and guaranteed job sectors in the state.

We absolutely need to protect our most vulnerable Minnesotans – but we also need to allow for redemption and second chances. It is only in this way that we will foster a safer, and more just, state.

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