

City of Blaine, Minnesota
Criminal History Background Checks Policy for Employment and License Applicants

Purpose

The purpose of this policy is to provide guidance to the Blaine Police Department when accessing Minnesota's criminal history information database for purposes of employment and licensing background checks under Minn. Stat. § 299C.72.

Applicants for Employment

Consistent with the provisions of Minn. Stat. § 299C.72, the Blaine Police Department will conduct a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

All regular part-time or full-time employees of the City of Blaine and other volunteer positions that work with children or vulnerable adults. Sworn police positions background checks are already authorized and covered by Minn. Stat. § 626.87, subd. 1.

This policy does not permit drivers' license checks through the Police Department, pursuant to the BCA's limitation of Minnesota Driver and Vehicle Services (DVS) data on driving records to be accessed for law enforcement purposes only.

In conducting the criminal history background investigation in order to screen employment applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's criminal history information data base in accordance with Minn. Stat. §299C.72. Results of the criminal history data may be released by the department to the hiring authority, including the city council, city manager or designee, or other city staff involved in the hiring process. All criminal history data must be maintained securely and consistent with section Minn. Stat. §364.05.

Before the investigation is undertaken, the applicant must authorize the Blaine Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to

the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Applicants for City Licenses

Consistent with the authority provided in Minn. Stat. Sec. 299C.72, the Blaine Police Department will conduct a criminal history background investigation on the applicants for the following licenses issued by the city, where applicable, including pawnbrokers, peddlers/solicitors/transient merchants, gambling, tobacco, circus/carnival, therapeutic massage, vending trucks, and special events.

Authority to conduct retail liquor license background checks is found in Minn. Stat. 340A. 402. Remaining licenses authority to conduct license background checks is found in Blaine Code of Ordinances – Chapters 22 and 70.

In conducting the criminal history background investigation in order to screen license applicants, the Blaine Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's criminal history information systems data base in accordance with Minn. Stat. §299C.72. Any data that is accessed and acquired shall be maintained securely and consistently with Minn. Stat. §364.05 by the Police Department, or the hiring or licensing authority of the city. The results of the criminal history data may be released by the Police Department to the licensing authority, including the city council, the city manager or designee, or other city staff involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail

sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Effective date: This policy shall take effect upon adoption on September 7, 2022.