

Message

From: Saavedra, Jorge [Jorge.Saavedra.F@[REDACTED]]
Sent: 8/12/2020 4:44:12 PM
To: Nilushi Ranaweera [Nilushi.Ranaweera@[REDACTED]]
CC: David Voigt [David.Voigt@[REDACTED]]
Subject: Expungement Powerpoint Presentation
Attachments: Saavedra Expungement Deck MNAG Office Presentation 08122020.pptx

Nilushi:

See attached powerpoint.

Let me know if you have any questions.

Jorge



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The mission of the Ramsey County Attorney's Office is to serve the residents of Ramsey County by pursuing justice and public safety, protecting the vulnerable, delivering quality legal services and providing leadership to achieve positive outcomes for our community.





OFFICE OF THE RAMSEY COUNTY ATTORNEY
JOHN J. CHOI, COUNTY ATTORNEY

Expungement/Sealing Criminal Records Using Prosecutor-Initiated Expungement and HelpSealMyRecord.org

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RAMSEY COUNTY



RCAO Collateral Consequences Policy



Prosecutors as Ministers of Justice

“Our job, our duty is to seek justice. How can we ignore a consequence of our prosecution that we know will be surely imposed by the operation of law?...These collateral consequences cannot easily be changed or bargained away when justice requires them. But we must consider them if we are to see that justice is done...As a prosecutor, you must comprehend this full range of consequences that flow from a crucial conviction. If not, we will suffer the disrespect and lose the confidence of the very society we seek to protect.”

Robert M.A. Johnson, former Anoka County Attorney and NDAA President



Collateral Consequences Are Pervasive in the Law

- Statutory Cross Reference at Minn. Stat. Chapter 609B
- Reference is not comprehensive and incorporates about **150** provisions describing sanctions triggered by criminal convictions
- National Institute of Justice and the Council of State Governments, **Collateral Consequences Inventory** lists **560 collateral consequences** that attach to criminal convictions under Minnesota state law, and **1,609 collateral consequences** when federal consequences are included



Expungement of Criminal Records

Minn. Stat. Chapter 609A



Expungement by Petition

- Section 609A.02 expungement by petition
- Sealing of records in dismissals, acquittals, diversion, misdemeanors, gross misdemeanors, and about 70 enumerated felonies
- Waiting periods: None, 1 year, 2 years, 4 years, 5 years.
- Criminal history disclosure and 12-factor analysis
- Statutory and inherent authority expungements
- Filing of Petition with the Court and service on executive branch agencies
- Payment of \$300 filing fee, or preparation and filing of IFP fee waiver
- Expungement hearing appearance



Expungement by Prosecutor Agreement

- Section 609A.025 expungement by prosecutor agreement
- Applicable to offenses enumerated in 609A.02
- Waiting periods still apply
- Criminal history and 12-factor analysis
- Stipulation and proposed order filed with the Court
- Applicant pays no filing fee
- Pleadings, service, and filing are done by prosecutor
- Administrative non-appearance calendar



**Expungement Collaboration:
Ramsey County
Washington County
Southern Minnesota Regional Legal Services**



Beta Test Project

- Collaboration with the Washington County Attorney's Office and Southern Minnesota Regional Legal Services (SMRLS)
- Identified more than 2,000 Drugs 5 and felony Theft convictions from 2006-2008
- SMRLS sent letters to last known address of defendants
- Respondents were interviewed by SMRLS and eligible cases were sent to RCAO/WCAO for review
- Criminal history analysis
- Stipulations and Proposed Orders prepared for filing



Beta Test Project

- Direct mail response rates were low
- 91 people responded to SMRLS letter
- 65 people were qualified for expungement
- 104 cases or records were determined eligible for expungement and stipulations were filed with the Court



Lessons From the Beta Test

- Low response rates to direct mail
- Outdated contact information
- Who even reads mail?
- Refined stipulations and proposed orders
- Participant feedback
- Hands on experience with criminal histories and eligibility analysis
- “I know exactly what ‘Expungement’ means!” Said no one ever.



HelpSealMyRecord.org



HelpSealMyRecord.org

- Mobile friendly web portal in collaboration with Washington County Attorney's Office
- Streamlined questionnaire
- Yes/No/I Don't Know format
- Strips away obstacles to access
- No petition, no court appearance, no filing fee
- Education and outreach to expand the prosecutor's role related to expungement



HelpSealMyRecord.org

The screenshot shows a web browser displaying the Ramsey County website. The page features a dark red navigation bar with the Ramsey County logo and menu items: Home, Jobs, Calendar, News & Updates, Contact Us, and a search bar. Below the navigation bar, there are dropdown menus for Residents, Businesses, Your Government, and How do I...?. The main content area has a breadcrumb trail: Home / News & Updates. The article title is "Ramsey and Washington County prosecutors help residents seal criminal records". The text explains that prosecutors are ministers of justice and have a responsibility to help rehabilitated people seal their records. It includes a photo of two men in suits and two buttons: "Apply in Ramsey County" and "Apply in Washington County". The article is dated Thursday, October 3, 2019, at 9:40 a.m.



HelpSealMyRecord.org

Apply to Have Your Criminal Record Sealed

Start Review form Complete

* Indicates a required field

Name *

Last name, first name, middle name

(Last name, first name, middle name)

Please list any other names you have used:

Last name, first name, middle name

Date of birth *

Month Day Year

Current address *

Street, city, state, zip code

Phone *

651-555-5555

Email

name@email.com

Have you been charged with a Felony offense in Ramsey County?

- County Attorney's Office
- Meet John J. Choi
 - News & Updates
 - Protecting Kids & Helping Families
 - Resources for Crime Victims
 - Community Initiatives
 - Sealing Criminal Records to Enhance Justice
 - Apply to Have Your Criminal Record Sealed**
 - Frequently Asked Questions on Sealing Criminal Records
 - Combating Sex Trafficking
 - Gun Safety Initiative
 - East Metro Crime Prevention Coalition
 - GPS Initiative
 - Safe Summer Initiative
 - Veterans Courts
 - Community Task Force on Safe Schools
 - Ramsey County Attorney Sexual Assault Systems Review
 - Sexual Assault Response Collaboration



HelpSealMyRecord.org

App | 16 How the Crime Seals

ramseycounty.org | your-government/faq/faq-help-seal-my-record-community-justice/seeking-criminal-records-expungement-justice/faq/faq-seal-my-record

Ramsey County Attorney
Office Locations

Were you convicted of a Felony in Ramsey County?
- None -

Was your entire case dismissed by the Court or the Prosecutor?
- None -

Were you acquitted of all counts by the Court or a Jury?
- None -

Were you charged with a Felony but convicted of a lesser offense such as a Misdemeanor or Gross Misdemeanor?
- None -

Did you receive a stay of adjudication, stay of imposition, stay of execution, continuance for dismissal, deferred prosecution, reduced charge, or did you complete a diversion program?
- None -

I was charged with the following offenses:
check all that apply to you

- Fifth Degree Drug Possession or Sale
- Theft
- Receiving Stolen Goods
- Damage to Property
- Forgery Crimes
- Possession or Sale of Stolen or Counterfeit Check
- Mail Theft
- Dishonored Check
- Financial Transaction Card Fraud
- False Declaration on Assistance Application
- I don't see my offense listed

Preview



HSMR.org Sample Auto-Generated Email

Form submission from: Expungement intake Questionnaire



CommunicationsHelpDesk@co.ramsey.mn.us
To: "ICAD Criminal Expungement"

You forwarded this message on 8/17/2022 10:24 AM.
The original e-mail link below from this message.

Reply Reply All Forward ...
ID: 0000276.2767

Submitted on Friday, October 4, 2019 - 14:55

Name:

Please list any other names you have used:

Date of birth: F1

Current address: 1

Phone:

Email:

Have you been charged with a Felony offense in Ramsey County? Yes

Were you convicted of a Felony in Ramsey County? Yes

Was your entire case dismissed by the Court or the Prosecutor? No

Were you acquitted of all counts by the Court or a Jury? No

Were you charged with a Felony but convicted of a lesser offense such as a Misdemeanor or Gross Misdemeanor? Yes

Did you receive a stay of adjudication, stay of imposition, stay of execution, confinement for dismissal, deferred prosecution, reduced charge, or did you complete a diversion program? No

I was charged with the following offenses: Fifth Degree Drug Possession or Sale

I was charged with:



HelpSealMyRecord.org

Questionnaire for Eligible Candidates

It appears that one or more of your criminal records may qualify to be sealed. Please answer the following questions so we can complete your application.

Start Review form Complete

* Indicates a required field

First name *

Middle name

Last name *

Street address *
e.g. 123 Main Street

City *

State *

- Select -

Zip code *

Did you ever offend (include any convictions)? *



HelpSealMyRecord.org

- Select -

Have you ever been named in an Order for Protection, Restraining Order, Harassment Order, or any other type of No Contact Order? *

- Select -

Were you ordered to pay restitution as part of your sentence? *

- Select -

Do you have any pending criminal charges in Minnesota or any other state? *

- Select -

Have you been denied employment as a result of your criminal record? *

- Select -

Have you been denied housing as a result of your criminal record? *

- Select -

Have you been denied any other benefit as a result of your criminal record? *

- Select -

Please explain how your criminal record has affected you: *

Preview



HSMR.org Process

- Application completed and submitted at HSMR.org
- RCAO receives system-generated email with application details
- Receipt email sent by RCAO to applicant
- Preliminary screening using MNCIS and PbK



HSMR.org Process

- Request BCA criminal history
- Analyze criminal history for expungement eligibility
- Send decline email or Part-2 Questionnaire, 12-factor test
- Use application, criminal history analysis, Part-2 questionnaire, to draft stipulation and proposed order
- File stipulations and proposed orders with the Court
- Court adjudicates administratively on a non-appearance calendar
- All statutory service requirements and timelines apply



HelpSealMyRecord.org Results to Date

- Portal has been live since October 30
- 120 applications to Washington County
- 488 applications to Ramsey County
- About 242 cases not RCAO cases
- Receiving 3-4 new applications weekly
- For comparison: 272 total expungement petitions filed in Ramsey County Oct. '18 to Sept. '19



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