

Minnesota Background Studies 2018-2019 Data Overview Part 4- Supplement

The information above each section of tables is intended to provide context and understanding on what data is included in each respective section. There are [Additional Notes and Data Definitions](#) at the end of this packet with more information on specific terms and data points.

Section 1: Count of disqualifying determinations with a reconsideration request by outcome and disqualifying crime and conduct

[Section 1](#) provides data on the on the reconsideration request outcomes of disqualifying determinations and the crimes or conduct that led to the disqualifying determination. [Table 1](#) below was created using all of the determinations with a reconsideration request found in Table 2 from Overview 4 and adding the crimes and conduct information to these determinations from Table 6 from Overview 3. [Table 1](#) has a total of 6,881 distinct determinations, which is 217 determinations less than table 2 in Overview 4. This difference is due to 2 factors: (1) Reconsideration requests that result in an outcome of “rescind in total” have their disqualifying crimes and conduct removed from their record, which makes it impossible to report on the offense level data for these determinations; and (2) 16 of the determinations from Table 2 in Overview 4 were part of the 39 determinations that could not be disaggregated at the offense level, as noted in Overview 3 Section 1. In total 201 determinations resulted in a reconsideration request outcome of “rescind in total” and an additional 16 determinations could not be disaggregated at the offense level, leading to a difference of 217 distinct determinations between [Table 1](#) below and Table 2 from Overview 4.

The numbers in [Table 1](#) are distinct counts of determinations. Since one determination may have more than 1 disqualifying crime or conduct, the totals in each row will not add up to the grand total at the bottom of the table. For example, if a determination was disqualified due to a controlled substance crime in the first degree and theft, it will be counted once in two rows but it will only be counted once in the grand total of distinct determinations. This also means that the reconsideration request outcomes for a given crime or conduct are not necessarily based on that crime or conduct alone. For example, there were 94 reconsideration requests for determinations disqualified based on a controlled substance crime in the fifth degree that did not receive a set aside. However, some of these determinations may have been disqualified based on the controlled substance crime and one or more other crimes.

All counts for a given date range (year in this case) were defined by determinations completed in that year. This date convention is used in all sections of this overview.

Table 1: Count of disqualifying determinations by reconsideration request by offense

Year/Crime or Conduct	Withdrawn	Previous Set Aside	Remains Set Aside	Correctness Affirmed	Limited Set Aside	Limited Set Aside	Not Set Aside – Variance Granted	Not Set Aside	In Process	Grand Total
2018	42	281	317	56	1,287	71	143	637	<10	2,816
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	<10	<10	11	<10	58	<10	<10	12		93
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE		<10	<10	<10	40	<10	<10	<10		58
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	<10	<10	10	<10	56	<10	<10	20		100
152.024 - CONTROLLED SUBSTANCE CRIME IN THE 4TH DEGREE		<10	<10		11		<10	<10		21
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	<10	<10	11	<10	189	<10	17	94		323
152.027 - OTHER CONTROLLED SUBSTANCE OFFENSES					<10					<10
169A.20 - FELONY DRIVING WHILE IMPAIRED	<10		<10	<10	41	<10	<10	<10		69
169A.24 - FELONY FIRST DEGREE DRIVING WHILE IMPAIRED					<10	<10	<10	<10		<10
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)		11	<10		33	<10	<10	<10		61
260C.301 - INVOLUNTARY TERMINATION OF PARENTAL RIGHTS					<10		<10	<10		<10
268.182 - APPLICANT'S FALSE REPRESENTATION; CONCEALMENT OF FACTS					<10			<10		<10
518B.01 - DOMESTIC ABUSE ACT.	<10	<10	<10	<10	12	<10		13		36
609.19 - MURDER IN THE 2ND DEGREE				<10						<10
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY		<10	<10		12		<10	<10		27
609.2113 - CRIMINAL VEHICULAR OPERATION; BODILY HARM		<10			<10		<10	<10		<10
609.221 - ASSAULT IN THE 1ST DEGREE				<10						<10
609.222 - ASSAULT IN THE 2ND DEGREE				<10	<10			<10		15
609.223 - ASSAULT IN THE 3RD DEGREE		<10	<10		<10	<10	<10	<10		21
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	<10	<10			20		<10	<10		32
609.224 - ASSAULT IN THE 5TH DEGREE	<10	10	<10		36	<10	<10	29		88
609.2242 - DOMESTIC ASSAULT	<10	63	44	<10	160	<10	22	68	<10	365

Year/Crime or Conduct	Withdrawn	Previous Set Aside	Remains Set Aside	Correctness Affirmed	Limited Set Aside	Not Set Aside – Variance Granted	Not Set Aside	In Process	Grand Total
609.2247 - DOMESTIC ASSAULT BY STRANGULATION	<10			<10			<10		<10
609.233 - CRIMINAL NEGLECT OF A VULNERABLE ADULT					<10		<10		<10
609.2335 - FINANCIAL EXPLOITATION OF A VULNERABLE ADULT		<10	<10		<10		<10		<10
609.24 - SIMPLE ROBBERY		<10	<10		<10	<10	<10		<10
609.245 - AGGRAVATED ROBBERY				<10			<10		<10
609.25 - KIDNAPPING					<10				<10
609.27 - COERCION							<10		<10
609.322 - SOLICITATION, INDUCEMENT, AND/OR PROMOTION OF PROSTITUTION				<10					<10
609.324 - PROSTITUTION-OTHER PROHIBITED ACTS							<10		<10
609.342 - CRIMINAL SEXUAL CONDUCT IN THE 1ST DEGREE				<10			<10		<10
609.343 - CRIMINAL SEXUAL CONDUCT IN THE 2ND DEGREE				<10					<10
609.345 - CRIMINAL SEXUAL CONDUCT IN THE 4TH DEGREE				<10					<10
609.3451 - CRIMINAL SEXUAL CONDUCT IN THE 5TH DEGREE				<10			<10		<10
609.377 - MALICIOUS PUNISHMENT OF A CHILD		<10	<10			<10	<10		<10
609.378 - NEGLECT OR ENDANGERMENT OF A CHILD		<10	<10		<10	<10	<10		16
609.495 - AIDING AN OFFENDER		<10			<10	<10	<10		<10
609.52 - THEFT	<10	82	81		317	21	24	186	716
609.521 - POSSESSION OF SHOPLIFTING GEAR			<10		<10		<10		<10
609.527 - IDENTITY THEFT					<10	<10	<10		<10
609.53 - RECEIVING STOLEN PROPERTY		<10	<10		21	<10	<10	<10	44
609.535 - ISSUANCE OF DISHONORED CHECKS	<10	17	<10		32	<10	<10	<10	68

Year/Crime or Conduct	Withdrawn	Previous Set Aside	Remains Set Aside	Correctness Affirmed	Limited Set Aside	Limited Set Aside	Not Set Aside – Variance Granted	Not Set Aside	In Process	Grand Total
609.582 - BURGLARY	<10		<10		41	<10	<10	<10		58
609.59 - POSSESSION OF BURGLARY TOOLS		<10			<10					<10
609.611 - INSURANCE FRAUD					<10			<10		<10
609.625 - AGGRAVATED FORGERY		<10								<10
609.63 - FORGERY		<10			<10	<10	<10	<10		14
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	<10	12	<10		29	<10	<10	14		68
609.66 - DANGEROUS WEAPONS				<10	<10	<10		<10		11
609.71 - RIOT		<10			<10			<10		<10
609.713 - TERRORISTIC THREATS		<10	<10		18		<10	<10		39
609.746 - INTERFERENCE WITH PRIVACY								<10		<10
609.749 - HARASSMENT; STALKING		<10	<10	<10	<10	<10	<10	<10		15
609.79 - OBSCENE OR HARASSING TELEPHONE CALLS		<10	<10		<10			<10		<10
609.821 - FINANCIAL TRANSACTION CARD FRAUD	<10	<10	<10		21	<10	<10	11		41
617.23 - INDECENT EXPOSURE		<10	<10		<10					<10
624.713 - CERTAIN PERSONS NOT TO POSSESS FIREARMS					<10	<10				10
626.556 - RECURRING MALTREATMENT - MINOR	<10	<10			26	<10		18		51
626.556 - SERIOUS AND RECURRING MALTREATMENT - MINOR	<10				<10			<10		<10
626.556 - SERIOUS MALTREATMENT - MINOR	<10	<10	58		30	<10	<10	18		119
626.557 - FAILURE TO REPORT MALTREATMENT - VULNERABLE ADULT						<10				<10
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	<10	<10			<10		<10	24	<10	37
626.557 - SERIOUS AND RECURRING MALTREATMENT - VULNERABLE ADULT						<10		<10		<10
626.557 - SERIOUS MALTREATMENT - VULNERABLE ADULT	<10	<10	35		<10	<10		11	<10	60

Year/Crime or Conduct	Withdrawn	Previous Set Aside	Remains Set Aside	Correctness Affirmed	Limited Set Aside	Limited Set Aside	Not Set Aside – Variance Granted	Not Set Aside	In Process	Grand Total
2019	81	275	190	104	1,958	80	184	1,212	10	4,065
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	<10	<10	10	<10	56	<10	<10	22		106
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE		<10	<10	<10	41	<10	<10	18		72
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	<10	<10	<10	<10	89	<10	<10	24		130
152.024 - CONTROLLED SUBSTANCE CRIME IN THE 4TH DEGREE	<10	<10	<10		24	<10		<10		39
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	<10	15	21	<10	234	<10	31	175		489
152.0261 - ATTEMPT/CONSPIRACY - MARIJUANA - IMPORTATION/EXPORTATION					<10					<10
152.097 - SIMULATED CONTROLLED SUBSTANCES					<10			<10		<10
152.137 - METHAMPHETAMINE-RELATED CRIMES INVOLVING CHILDREN OR VULNERABLE ADULTS			<10		<10	<10		<10		13
169A.20 - FELONY DRIVING WHILE IMPAIRED	<10		<10	<10	59	<10	<10	20		94
169A.24 - FELONY FIRST DEGREE DRIVING WHILE IMPAIRED					<10		<10	<10		<10
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)		17	<10	<10	61		<10	29		118
260C.301 - INVOLUNTARY TERMINATION OF PARENTAL RIGHTS			<10		<10		<10	<10		<10
268.182 - APPLICANT'S FALSE REPRESENTATION; CONCEALMENT OF FACTS					<10			<10		<10
518B.01 - DOMESTIC ABUSE ACT.	<10	10	<10		37	<10	<10	15		77
609.165 - FELON INELIGIBLE TO POSSESS FIREARM				<10	<10					<10
609.185 - MURDER IN THE 1ST DEGREE				<10						<10
609.20 - MANSLAUGHTER IN THE 1ST DEGREE				<10						<10
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY		10	<10	<10	31		<10	<10		57
609.2113 - CRIMINAL VEHICULAR OPERATION; BODILY HARM		<10	<10		<10	<10	<10	<10		21
609.221 - ASSAULT IN THE 1ST DEGREE	<10			<10	<10					<10
609.222 - ASSAULT IN THE 2ND DEGREE	<10			19	<10		<10	<10		29
609.223 - ASSAULT IN THE 3RD DEGREE				<10	25	<10	<10	<10		39
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)		<10	<10		14		<10	14		34
609.224 - ASSAULT IN THE 5TH DEGREE	<10	14	<10	<10	77	<10	19	68		193

Year/Crime or Conduct	Withdrawn	Previous Set Aside	Remains Set Aside	Correctness Affirmed	Limited Set Aside	Not Set Aside – Variance Granted	Not Set Aside	In Process	Grand Total	
609.2242 - DOMESTIC ASSAULT	<10	47	21	<10	197	<10	23	102	402	
609.2247 - DOMESTIC ASSAULT BY STRANGULATION				<10				<10	<10	
609.2325 - CRIMINAL ABUSE OF A VULNERABLE ADULT					<10			<10	<10	
609.233 - CRIMINAL NEGLECT OF A VULNERABLE ADULT		<10							<10	
609.2335 - FINANCIAL EXPLOITATION OF A VULNERABLE ADULT		<10			<10		<10	<10	<10	
609.24 - SIMPLE ROBBERY		<10			14			<10	20	
609.245 - AGGRAVATED ROBBERY				13				<10	15	
609.25 - KIDNAPPING					<10				<10	
609.322 - SOLICITATION, INDUCEMENT, AND/OR PROMOTION OF PROSTITUTION				<10				<10	<10	
609.324 - PROSTITUTION-OTHER PROHIBITED ACTS				<10					<10	
609.33 - DISORDERLY HOUSE					<10				<10	
609.342 - CRIMINAL SEXUAL CONDUCT IN THE 1ST DEGREE				<10					<10	
609.343 - CRIMINAL SEXUAL CONDUCT IN THE 2ND DEGREE				<10				<10	<10	
609.344 - CRIMINAL SEXUAL CONDUCT IN THE 3RD DEGREE	<10			<10	<10				<10	
609.345 - CRIMINAL SEXUAL CONDUCT IN THE 4TH DEGREE				<10				<10	<10	
609.3451 - CRIMINAL SEXUAL CONDUCT IN THE 5TH DEGREE	<10			<10					<10	
609.352 - SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL CONDUCT				<10					<10	
609.377 - MALICIOUS PUNISHMENT OF A CHILD	<10	<10		<10	11		<10	<10	21	
609.378 - NEGLECT OR ENDANGERMENT OF A CHILD		<10	<10		12		<10	<10	29	
609.495 - AIDING AN OFFENDER		<10			12	<10	<10	<10	24	
609.498 - TAMPERING WITH WITNESS					<10				<10	
609.52 - THEFT	19	71	43	<10	519	28	33	369	<10	1,081
609.527 - IDENTITY THEFT	<10				<10	<10		<10		15
609.53 - RECEIVING STOLEN PROPERTY		<10	<10		33		<10	<10	<10	49
609.535 - ISSUANCE OF DISHONORED CHECKS	<10	29	<10		100	<10	<10	<10		145

Year/Crime or Conduct	Withdrawn	Previous Set Aside	Remains Set Aside	Correctness Affirmed	Limited Set Aside	Limited Set Aside	Not Set Aside – Variance Granted	Not Set Aside	In Process	Grand Total
609.561 - ARSON IN THE 1ST DEGREE				<10						<10
609.562 - ARSON IN THE 2ND DEGREE					<10					<10
609.563 - ARSON IN THE 3RD DEGREE					<10		<10			<10
609.582 - BURGLARY	<10		<10		42		<10	18		73
609.59 - POSSESSION OF BURGLARY TOOLS			<10		<10					<10
609.611 - INSURANCE FRAUD					<10			<10		<10
609.625 - AGGRAVATED FORGERY					<10		<10			<10
609.63 - FORGERY		<10	<10		<10	<10				<10
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK		<10	<10		34	<10	<10	<10		56
609.66 - DANGEROUS WEAPONS			<10		<10	<10		<10		12
609.666 - NEGLIGENCE STORAGE OF FIREARMS	<10				<10					<10
609.71 - RIOT	<10	<10			<10			<10		<10
609.713 - TERRORISTIC THREATS	<10	<10	<10	<10	25	<10	<10	12		50
609.749 - HARASSMENT; STALKING				<10	<10		<10	<10		12
609.79 - OBSCENE OR HARASSING TELEPHONE CALLS					<10	<10		<10		<10
609.821 - FINANCIAL TRANSACTION CARD FRAUD	<10	<10	<10		36	<10	<10	30		82
617.23 - INDECENT EXPOSURE				<10	<10			<10		<10
624.713 - CERTAIN PERSONS NOT TO POSSESS FIREARMS	<10		<10		<10			<10		<10
626.556 - RECURRING MALTREATMENT - MINOR	<10	<10	<10		25		<10	18		49
626.556 - SERIOUS AND RECURRING MALTREATMENT - MINOR	<10	<10	<10		<10	<10	<10	28	<10	44
626.556 - SERIOUS MALTREATMENT - MINOR	<10	<10	10	<10	45	<10	<10	55	<10	126
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	<10		<10		<10	<10	<10	49	<10	62
626.557 - SERIOUS AND RECURRING MALTREATMENT - VULNERABLE ADULT							<10	<10	<10	<10
626.557 - SERIOUS MALTREATMENT - VULNERABLE ADULT		<10	<10		<10			22		37
Grand Total	123	556	507	160	3,245	151	327	1,849	16	6,881

Additional Notes and Data Definitions

1. Background Study **data sources** can include, but are not limited to, state criminal history, federal criminal history, Minnesota Court Information System (MNCIS), Minnesota child and adult maltreatment registries, and criminal or maltreatment records from other states.
2. An **eligible determination** means the background study subject was **not** determined to have committed a disqualifying crime or conduct in [Minn. Stat. sec. 245C.15](#)
3. A **disqualified determination** means the background study subject was determined responsible for a disqualifying crime or conduct in [Minn. Stat. sec. 245C.15](#)
4. A **disqualification rescinded – determination now eligible** determination means the initial determination was disqualifying and became eligible upon appeal.
5. A **background study provider application** is the record created by the provider when submitting a background study request. Background study provider applications can be created by providers at any time. If there is already another background study determination in process for the same person, the new background study application will connect to the in process background study determination (provided the background study requirements are met). In addition, existing background study determinations can transfer to new background study provider application submissions. The connection of background study provider applications to existing background study determinations creates efficiencies for study subjects and providers.
6. For an **undetermined determination**, DHS reviews information that was received but does not make an eligibility or disqualification decision on the determination (hence the determination is “undetermined”).
7. **Active roster** means the list of individuals specific to an entity who have been determined eligible to provide services for the entity and who the entity has identified as affiliated. See [Minn. Stat. sec. 245C.02 subd. 17a \(b\)](#)
8. A **rapback notification** (Record of Arrest and Prosecutions Back) is a notification DHS receives about new potentially disqualifying information for a background study subject with an active provider roster affiliation.
9. An **eligible rapback determination** means that the information received through the rapback process was found to belong to the study subject, but after review was determined to not be a disqualifying crime or conduct.
10. The Race/Ethnicity categories captured in the Background Studies system and used in the summarized data above are collected for purposes of a background study fingerprint study. These categories are determined by the FBI CJIS policy and must be used for fingerprint background studies. DHS does not collect other race/ethnicity data that would allow for different or more detailed break outs of racial or ethnic groups.
11. **Risk of Harm** is the assessed immediate risk of harm the determination subject poses to the persons receiving services that the subject will have direct contact with or direct access to.
 - a. **Low:** It is determined that “an individual studied does not pose a risk of harm that requires continuous, direct supervision”. A low risk of harm individual is allowed to continue providing services during their reconsideration request period and has 15 days to request a reconsideration. ([Minn. Stat. sec. 245C.17 subd. 3](#))
 - b. **Medium:** It is determined that “an individual studied poses a risk of harm that requires continuous, direct supervision”. A medium risk of harm individual is allowed to continue providing services under continuous and direct supervision during their reconsideration request period and has 30 days to request a reconsideration. ([Minn. Stat. sec. 245C.17 subd. 3](#))
 - c. **High:** It is determined that “an individual studied poses an imminent risk of harm”. A high risk of harm individual must be immediately removed from service and has 30 days to request a reconsideration. ([Minn. Stat. sec. 245C.17 subd. 3](#))
 - d. **Not Applicable:** The risk of harm category in cases where an individual is not allowed to provide services until either an eligible determination, a set aside, or a variance has been obtained
12. A **conviction disqualification** is based on a conviction, regardless of whether it was preceded by a plea or a trial.
13. An **admission disqualification** is based on guilty pleas without convictions, guilty pleas with stays of adjudication, or admissions in juvenile court without adjudication.
14. An **Alford Plea disqualification** is based on Alford pleas without convictions or with stays of adjudication, or Alford pleas in juvenile court without adjudication. An Alford Plea is similar to an out of state offense with a no contest plea.
15. A **preponderance of disqualification** is based on a determination by DHS that it is more likely than not that investigation, court, maltreatment, and other relevant records support a finding that the subject committed disqualifying conduct
16. A **maltreatment disqualification** is based on a determination by DHS that records of substantiated maltreatment or substantiated failure to report maltreatment meet the definitions of serious and/or recurring in [Minn. Stat. sec. 245C.02](#)

17. An **Involuntary Termination of Parental Rights disqualification** is based on terminations of parental rights under the standards of [Minn. Stat. sec. 260C.301 subd. 1\(b\)](#) or subd. 3

18. An **administrative disqualification** is based on a stipulation or finding by a judge that the subject is disqualified for wrongfully obtaining assistance under [Minn. Stat. sec. 256.98 subd. 8](#)