

Introduced by Council Member Dana Johnson.

Seconded by Council Member Frank Lindgren.

ORDINANCE NO. 22, 3rd SERIES

**AN ORDINANCE OF THE CITY OF CROOKSTON, MINNESOTA,
AMENDING CITY CODE CHAPTER 36 ENTITLED "CITY POLICY" BY ADDING A SECTION
REGARDING CRIMINAL BACKGROUND CHECKS.**

THE CITY OF CROOKSTON ORDAINS, as follows:

Section 1. City Code, Chapter 36 entitled "**CITY POLICY**", is amended by adding a Section, to read:

SEC. 36.06 CRIMINAL HISTORY BACKGROUND CHECKS.

(A) *Purpose.* The purpose and intent of this Section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of background checks for applicants described in Subsection (B) of this Section.

(B) *Criminal History Background Investigations.* The Crookston Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the following applicants:

(1) All applicants for regular, full-time employment with the City or seasonal employment positions with the City that have interaction with children, finances, or positions that have access to security-sensitive areas, unless the City's hiring authority concludes that a background investigation is not needed; and

(2) All applicants for City licenses requiring a background check under the provisions of the City Code.

(C) In conducting the criminal history background investigation in order to screen applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department: for employment background investigations, to the hiring authority, including the City Council, the City Administrator or other City staff involved in the hiring process; or, for license background investigations, to the licensing authority, including the City Council, the City Administrator or other City staff involved in the license approval process.

(D) 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. Chap. 13 regarding the collection,

maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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. 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:

- (1) The grounds and reason for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- (3) The earliest date the applicant may reapply for employment or for the license.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

Section 2. This ordinance shall take effect upon its passage and publication according to the provisions of the Home Rule Charter for the City of Crookston, Minnesota.

Upon a call of ayes and nays as to the passage of this ordinance, the vote stood as follows:

Voting in the negative: _____

Voting in the affirmative: Johnson, Mjoen, Mykleseth, Melbye, Stainbrook,
Vedbraaten and Lindgren

Upon this vote, the ordinance was declared Passed by the Mayor.

Passed this 27th day of October, 2009.

Approved the 27th day of October, 2009

Dawn W. Lanning
Mayor

ATTEST: Betty Anderson
City Clerk-Treasurer

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