

THE RAP SHEET

Information from the Criminal Justice Information Center (CJIC)

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The Criminal Justice Information Center would like to thank all of our law enforcement partners for their patience and assistance during the July 2011 Sex Offender Registration (SOR) verification period. We realize the verification period was difficult due to the new SOR legislative mandates, additional registration information that must be collected, and the server issues that we experienced during this hectic time.

The Sex Offender Registry Unit is continually striving to improve the operational efficiencies to ensure the integrity and accuracy of the Sex Offender Registry and Public Sex Offender Registry Web site, and to provide investigative tools for all law enforcement. Our focus is to anticipate and react quickly to the needs of the people of Michigan and our law enforcement partners through the continual improvement of our services and upgrades to the SOR system. To be successful in the management of sex offenders in Michigan, collaboration with our local, county, and state criminal justice agencies is essential and an integral part of Michigan's success.

Dawn Brinningstaull, Director
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MAJOR ACCOMPLISHMENT BY MICR STAFF

Each year the Michigan Incident Crime Reporting (MICR) Unit publishes the "Crime in Michigan" annual report based on a year long collection of MICR statistics. There is an enormous amount of work done by MICR staff behind the scenes that takes place prior to publication.

Throughout the year all law enforcement agencies report numerous crime incidents that occur on a daily basis through their record management systems and the MICJIN Portal. The MICR staff review incidents for accuracy, and continually follow-up to ensure data is complete, accurate, updated, and resubmitted when necessary. Letters are sent to agencies quarterly, to confirm their data submission is current, and to identify system problems, such as under reporting. Agencies experiencing system issues go into testing mode until they can produce a consistent error rate of less than four percent; this is to ensure quality data collection.

An end date for collection is set to allow for a frozen snapshot of the year's incidents. Numerous reports are generated for specific crimes, county crime stats, statewide crimes totals, and others. All members of the MICR staff review each individual report to ensure data has tallied correctly, nothing is out of range, problems are corrected, and the reports are visually appealing. A summary is also provided noting issues that are evident, hot spot crime areas, and anything else that stands out. After final review by the Michigan State Police (MSP) Director, the report is given approval to be published.

Congratulations goes out to the CJIC staff who produced the report: Wendy Easterbrook (primary report/statistics specialist), Monica Jenkins, Elizabeth Pizzo, and Rosemary Muckenthaler. Their hard work and diligence helped to get the report published in July this year (much earlier than previous years). Excellent work by the MICR staff!

To review a copy of this year's crime report, go to: http://www.michigan.gov/msp/0,4643,7-123-1645_3501_4621-259467--,00.html.

FBI CJIS SECURITY POLICY

The release of the FBI Criminal Justice Information Systems (CJIS) Security Policy in February 2011 implemented new guidelines with regards to using personal or publicly accessible computers to access CJIS data and/or systems.

Users shall not use public or personal computers, phones, storage devices, etc. to access Criminal Justice Information. Publicly accessible computers include, but are not limited to, hotel business center computers, convention center computers, public library computers, public kiosk computers, etc. The MSP prohibits departmental employees from connecting department owned equipment to public wi-fi/hot spots (coffee shops, bookstores etc). All other agencies should use caution; these are unsecured networks and may present your equipment/network with vulnerabilities and/or risk.

For more information, please refer to the current FBI CJIS Policy <http://www.michigan.gov/LEIN> (Section 5.5.6.1 Personally Owned Information Systems and 5.5.6.2 Publicly Accessible Computers).

Questions about this or other FBI CJIS Security Policy requirements should be directed to Ms. Terri Smith, Information Security Officer.

INTERSTATE IDENTIFICATION INDEX

The U.S. Department of Justice has issued a CJIS Informational Letter to clarify the use of the Interstate Identification Index (III) and the National Crime Information Center (NCIC) for site security purposes.

The III and NCIC are often used interchangeably; however they refer to different systems. The III is a cooperative state-federal system for the electronic exchange of criminal history record information for authorized purposes as specified by local, state, and federal laws. The NCIC is a nationwide, computerized information system that helps the criminal justice community perform its duties by providing accurate and timely documented criminal justice information (e.g., wanted person files, article files, missing person files).

Agencies are reminded that NCIC authorizes criminal justice agencies to run an NCIC "hot file" inquiry on visitors to critical infrastructure facilities. However, agencies are only authorized to run a III criminal history check in limited situations that have been approved by the FBI Director. Those situations include:

- Site security for federal facilities, limited to contractor personnel, and requiring a follow-up fingerprint submission.
- Site security for criminal justice agencies.
- Off-site protection of very important persons.
- Visitors to federal or state military facilities.
- Firearms training events sponsored by law enforcement.

In addition to these authorized purposes, a law enforcement agency may conduct a III criminal history record check when investigating a criminal incident or has a reasonable suspicion, such as a person acting in a suspicious manner while taking pictures, or loitering at a critical infrastructure facility.

Terminal operators should use Purpose Code "C" to conduct III inquiries for site security purposes. The results cannot be disseminated for other purposes.

In those instances where a criminal history record check is prohibited on visitors to governmental and critical infrastructure facilities, agencies are encouraged to enhance security by requiring proper identification; utilizing security measures such as metal detectors and surveillance cameras; implementing security polices to restrict the use of cameras, cell phones, and visitor access in the facility; and to use uniformed security or law enforcement personnel in the facility.

IS THAT ON MY RAPSHEET? (PART 1: OPEN & CLOSED CASES)

Most people who work in the Michigan Criminal Justice Community (MCJC) know Michigan is considered an “open records” state for criminal history record information (CHRI). This means, even though all cases closed without a conviction are considered sealed to the public, all cases closed with a conviction or adjudication are available to the general public; but what about cases that aren’t closed?

On February 1, 2006, PA 289 of 1925 was amended, stating the MSP **shall** disseminate open case information. When the law first took effect, there was much debate within the MCJC about both the interpretation of the law and its practical implementation and effects. The MSP–Criminal History Section (MSP-CHS) continues to take feedback from the MCJC into account when making and implementing policy decisions regarding what open case CHRI will and will not be disseminated, and to whom. Based on this feedback, for example, cases that are deferred under the Holmes Youthful Trainee Act and Minor in Possession statutes are considered sealed while other cases with deferred judgments are disseminated to the general public. All cases where MSP-CHS has identified arrest and charge/petition information, but not judicial, are disseminated. It is important to note, while no open cases are deleted from (“fall off”) a person’s record, regardless of how long they are in the MSP-CHS files, some open cases are considered public while others are not. Some cases are disseminated for fingerprint-based background checks while not disseminated through the Internet Criminal History Access Tool (ICHAT). (See the charts below for a more thorough explanation.)

Judicial Disposition - Must be linked to arrest prints for that case	LEIN	Employment Fingerprints	ICHAT
ADJ - Juvenile Adjudication	Y	Y	Y
BOC - Bound Over to Circuit	Y	Y	Y
BWI - Bench Warrant Issued	Y	Y	Y
DPD - Deferred - 7411	Y	Y	Y
DPH - Deferred - Health Care	Y	Y	Y
DPK - Deferred - Parental Kidnapping	Y	Y	Y
DPM - Deferred - Minor in Possession	Y	N	N
DPS - Deferred - Domestic Assault	Y	Y	Y
DPT - Deferred Drug Court*	Y	Y	Y
DPY - Deferred - Holmes Youthful Trainee Act	Y	N	N
GTY - Found Guilty	Y	Y	Y
JCC - Juvenile Consent Calendar	Y	N	N
JDA - Juvenile Diversion Act	Y	N	N
NAP - Not Authorized Petition	Y	N	N
NSC - No State PACC Code	N	N	N
PMI - Pled Guilty - Mentally Ill	Y	Y	Y
TRS - Transfer - Another County	Y	Y	Y
TTC - Transfer - Tribal Court	Y	N	N
WTA - Waived to Adult Court	Y	Y	Y

No Prosecutor or Judicial Data - Arrest Disposition	LEIN	Employment Fingerprints	ICHAT
NTA - Notice To Appear - Less than 12 months from date of arrest	Y	Y	Y
NTA - Notice To Appear - 12 months or more from date of arrest	Y	Y	N
PFI - Pending Further Investigation - Less than 12 months from date of arrest	Y	Y	Y
PFI - Pending Further Investigation - 12 months or more from date of arrest	Y	Y	N
REL - Released No Prosecution	Y	N	N
REP - Petition Required	Y	Y	N
REW - Warrant Requested - Less than 12 months from date of arrest	Y	Y	Y
REW - Warrant Requested - 12 months or more from date of arrest (after 02/01/2006)	Y	Y	N
REW - Warrant Requested - before 02/01/2006	Y	N	N

After a deferral is complete and the offense is dismissed, please report the dismissal using the same process as the deferral or the offense will still be available as listed above. The dismissal codes are:

Deferral Reason	Deferred	Dismissed
7411	DPD	DMD
Health Care	DPH	DMH
Parental Kidnapping	DPK	DMK
Minor in Possession	DPM	DMM
Domestic Assault	DPS	DMS
Drug Court	DPT	DMT
HYTA	DPY	DMY

For more information about how the MSP-CHS disseminates CHRI, please contact:

- * [Mr. Chad Canfield](#), Criminal History Section Manager at (517) 241-0626
- * [Mr. Ted Kilvington](#), Court Reporting Coordinator at (517) 241-0612

PURCHASING & REGISTERING A PISTOL IN MICHIGAN

In Michigan, a person "shall not purchase, carry, or transport a pistol in this state without first having obtained a license for the pistol," as prescribed in MCL 28.422. These licenses shall be issued by the local police agency. If the city, township, or village does not have an organized police agency, the license shall be issued by the county sheriff department.

The police authority will check for any criminal record at both the state and national level before a License to Purchase is issued.

An applicant must comply with all state and federal laws prior to the issuance of the license. The following are state laws that prohibit an individual from receiving a license:

Michigan - MCL 28.422

- When probable cause exists to believe that the applicant would be a threat to him or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state of the United States.
- The applicant is under 18.
- The applicant is not a U.S. citizen or resident alien and a resident of Michigan.
- The applicant is prohibited from possessing, using, transporting, etc. under MCL 750.224f.
- The applicant is adjudged insane in this state or elsewhere, unless restored to sanity by court order.
- The applicant is under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.
- The applicant is adjudged legally incapacitated.
- The applicant is unable to correctly answer 70 percent of the questions on the basic pistol safety questionnaire.

In addition, the person can not be subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the Law Enforcement Information Network pursuant to any of the following:

- MCL 330.1464a - Involuntary hospitalization or alternative treatment program.
- MCL 700.444a - Legally incapacitated (now MCL 700.5107).
- MCL 600.2950 - Personal Protection Order
 - The Personal Protection Order must be active. Inactive PPOs will stay on file for five years for historical purposes.
- MCL 600.2950a – Stalking.
- MCL 552.14 - Restraining Order.
- MCL 765.6b - Release subject to protective conditions.
- MCL 769.16b - Not guilty by reason of insanity.

Federal - 18 USC §922(g) & (n)

The following are federal laws that prohibit an individual from receiving a license:

- Under indictment for or have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
- Fugitive of justice.
- Unlawful user of, or addicted to, any controlled substance (convicted of possession within last year, multiple arrests for possession within the past five years, if most recent arrest occurred within the past year, or positive drug test within last year).
- Adjudicated as mental defective or been committed to any mental institution.

- Alien and is illegally or unlawfully in the U.S. (alien without permanent residence status).
- Dishonorably discharged from the military.
- Formally renounced U.S. citizenship.
- Subject to a court order prohibiting harassing, stalking, or threatening of an intimate partner or child of such intimate partner or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury.
- Convicted in any court of a misdemeanor crime of domestic violence (does not have to be classified as a "domestic crime").
- Under indictment for a crime punishable by imprisonment for a term exceeding one year.

If the purchaser is not a U.S. Citizen an Immigrant-Alien Query (IAQ) check must be conducted through Nlets. An agency MUST wait for a response before proceeding. This could take up to three days.

If the reply to the National Instant Background Check System (NICS) check reveals no state or federal prohibitors, the license process may proceed. The applicant must answer gun related questions on a Basic Pistol Safety Questionnaire, with at least 70 percent correct, and swear before a notary that they meet the statutory requirements to own a pistol.

The License to Purchase a Pistol form must be completed even though the applicant may already have possession of a pistol, such as through an inheritance. Federal firearms licensed dealers are not exempt from this section of the law and must also get a license any time they purchase/acquire a pistol from an individual or another gun dealer. There is an exemption only for dealers purchasing pistols directly from the manufacturer or wholesaler.

If the law enforcement agency determines the applicant is prohibited from purchasing or possessing a firearm, a NICS Guide for Appealing a Firearm Transfer DENIAL pamphlet, with the NICS Transaction Number (NTN) written on the cover must be provided to the applicant. Per federal regulations, each department must also have an appeal process in place within their department.

A License to Purchase a Pistol is valid for ten days to purchase a pistol. The seller must sign the license and keep one copy for his/her records. An individual must keep a copy and return two copies to the local police department within ten days of purchasing the pistol. Some agencies require all unused license to purchase forms be returned to them for record keeping purposes.

There is an exception for a person licensed in Michigan to carry a concealed pistol. He/she must obtain a Pistol Sales Record any time he/she purchases or otherwise acquires a pistol, pursuant to MCL 28.422a. MCL 28.422a also exempts Federal Firearms Licensed dealers from the License to Purchase requirement. They must complete a Dealer Purchase Record which is available online at: http://www.michigan.gov/documents/msp/ri-009_345630_7.pdf.

Criminal Justice Information Center Help

Applicant Background Check (517) 241-0606
 Criminal History Records (517) 241-0606
 Crime Reporting (517) 241-1704
 Enforcement Records (517) 241-1888
 Firearms (517) 241-1917

FOIA (517) 241-1934
 MiCJIN Help Desk (877) 264-2546
 Sex Offender Registration (517) 241-1806
 Support Services (517) 241-1953
 Traffic Crash Reporting (517) 241-1699

How can we help? If you have ideas for future articles, please contact [Ms. Tammy Stahelin](#) or (517) 241-0604.

Looking for an archived article? If so, select a topic and edition below, than visit our [archived editions](#) to find the article you need.

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