The following is a reprint of a letter recently sent to all of Michigan’s law enforcement agencies and county prosecutors.

Our Department has recently been advised by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF) of a recent decision by the United States Sixth Circuit Court of Appeals in Hampton v United States, 191 F 3d 695 (6th Cir. 1999). This case affects the restoration of firearm rights for Michigan citizens.

As you are aware, MCL 28.424 (3) currently provides a method for felons to have their firearms rights restored through the county concealed licensing board. However, under the BATF interpretation in the Hampton decision (see attached BATF letter), a convicted felon is only eligible to ship, transport, possess or receive a firearm after ALL state restrictions on the felon’s state firearm rights have been restored. This includes restrictions under MCL 750.224(1) AND MCL 28.426. Thus, a convicted felon must satisfy the requirements under BOTH of the above-mentioned statutes in order to obtain relief from his/her federal disability.

Specifically, a felon must wait eight (8) years from the latter of the date of conviction or release from confinement (MCL 28.426) AND three (3) years for a non-specified felony (MCL 750.224f(1)) or five (5) years for a specified felony (MCL 750.224f(2)) from completion of the sentence (i.e. probation, fines paid, parole, or incarceration). In addition, a person convicted of a specified felony must appear before the county concealed licensing board to receive a restoration of firearm rights.

If you are in the process of issuing a license to purchase (LTP) a pistol for a convicted felon, please be sure to determine if the individual is eligible under both of the statutes listed above.

It should be noted that a convicted felon who obtains a pardon, set aside, or expungement of their conviction will not be subject to any state or federal firearms restrictions as long as the order does not restrict the individual’s rights to ship, transport, or receive firearms.

If you have questions please contact the Bureau of Alcohol, Tobacco and Firearms, Detroit office at 313-393-6000 or the Michigan Department of State Police, Criminal Justice Information Center at 517-322-5518.
This is to apprise you of the recent decision by the United States Sixth Circuit Court of Appeals in *Hampton v. United States*, 191 F.3d 695 (6th Cir. 1999). This decision affects whether certain Michigan felons are prohibited from receiving or possessing firearms under Federal law.

The Gun Control Act of 1968 ("GCA") makes it unlawful for any person who has been convicted of a crime punishable by imprisonment for a term exceeding one year to ship, transport, possess or receive a firearm. 18 U.S.C. § 922(g)(1). What constitutes a "conviction" for such a crime must be determined in accordance with the law of the jurisdiction in which the proceedings were held. 18 U.S.C. § 921(a)(20). Any conviction for which a person has received a pardon, expungement, or restoration of civil rights shall not be considered a conviction for GCA purposes, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms. Id.

A State restores a felon's civil rights for purposes of the GCA only if it allows him or her to vote, to hold public office, and to serve on a jury. Under Michigan law, a convicted felon is entitled to vote and hold public office once he or she is released from custody. Prior to the *Hampton* decision, the Sixth Circuit held in several cases that Michigan law did not restore the right to sit on a jury to Michigan felons upon completion of sentence. This line of cases was overturned by the *Hampton* decision, which held that Michigan law restores a felon's right to sit on a jury upon completion of his or her sentence.

Based on the *Hampton* decision, an individual who has been convicted of a felony in Michigan has his or her civil rights substantially restored upon completion of sentence. In determining whether the convicted felon still has Federal firearms disabilities, however, it is necessary to examine Michigan law to determine whether the felon is still subject to any restrictions on his or her firearms rights. In *Caron v. United States*, 524 U.S. 308; 118 S. Ct. 2007, 2012 (1998), the Supreme Court held that Federal law prohibited convicted felons whose civil rights had been restored from receiving or possessing firearms if State law imposed even a partial restriction on their firearms rights.

Michigan law places a convicted felon under two types of state firearms restrictions. The first restriction is under Mich. Comp. Laws Ann. § 750.224f, which prohibits a convicted felon from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving or distributing firearms. This restriction separates convicted felons into two categories; those convicted of specified felonies and those who are not. If the felony conviction is categorized as a "specified felony", the felon is subject to this restriction for a period of five (5) years after he/she has met all conditions of sentence, i.e. released from prison, paid all fines, and completed all terms of probation and parole. Further, after this five (5) year period has expired the "specified felony" must also apply for and receive a restoration of his or her state firearms rights from the local concealed weapons licensing board (gun board). Mich. Comp. Laws Ann. § 750.224f(2)(b). A specified felony is defined under Mich. Comp. Laws Ann. § 750.224f(6) and includes crimes of violence against a person or property, burglaries (and breaking and entering) of occupied dwellings; drug offenses; offenses involving the possession or distribution of a firearm; offenses where there was the unlawful use of an explosive; and arson.

Mich. Comp. Laws Ann. § 750.224f creates a different restriction for felons convicted of "non-specified" felonies. A 'non-specified"' felony is subject to the same restrictions as those convicted of "specified felonies" but only for a period of three (3) years after completion of all conditions of sentence. Further, there is no requirement for a felon convicted of a "non-specified" felony to obtain a restoration of his or her state firearms rights from the local gun board.

The second state law firearms restriction is imposed under Mich. Comp. Laws Ann. § 28.426(b) which provides that an application for a concealed weapons license cannot be approved if the applicant was convicted of a felony or confined for a felony in this state or elsewhere during the eight (8) years immediately preceding the date of his application. It is important to note that this restriction applies to all convicted felons across the board and does not categorize them based upon the type of felony conviction.

An individual who has been convicted of a felony in Michigan is still subject to Federal firearms disabilities after completion of his or her sentence if Michigan law places any restrictions on that felon's state firearms rights. Unless the convicted felon's firearms rights have been completely restored under State law he/she is subject to the Federal prohibition on receipt or possession of a firearm. Accordingly, if a convicted felon is subject to either of the firearms restrictions under Mich. Comp. Laws Ann. §§ 750.224f or 28.426 he or she is still subject to firearms disabilities under Federal law.

If you have any further questions, please contact our Office of Division Counsel at (313) 393-6000.

Sincerely yours,

Michael W. Morrissey

Division Director

Detroit Field Division

Bureau of Alcohol, Tobacco and Firearms

Department of Treasury
**Estimating Missing UCR Data**

Beginning with the 1999 annual report, the CJIC will be estimating missing crime figures in the annual report for all jurisdictions that have not submitted a full year of data. This is a change from the practice of past years when Uniform Crime Report data was only reported as raw figures. In the past, the level of participation from reporting agencies was generally stable, so fluctuations in numbers were indicative of actual changes in crime. However, in recent years, Michigan law enforcement agencies have been transitioning to a new reporting system, Michigan Incident Crime Reporting (MICR). Difficulties with the transition have resulted in a significant amount of missing data.

To provide a more accurate picture of statewide trends, we will be using an estimation process similar to that used by the FBI. This is a combination of using previous statistics submitted by an agency and/or actual numbers from other like jurisdictions. Individual agencies’ estimated figures will not actually be published in the report, nor will they be recorded on the state’s database. This crime estimate will, however, be used to derive the statewide total published in the report. By using this process the report will reflect more correctly the actual trends, and minimize fluctuations due to transitioning.

**What is the Michigan Geographic Framework?**

As part of the Department of Management and Budget, Michigan Information Center, the Michigan Geographic Framework is both a product and a program. As a product, the framework serves as the digital base map for state government. The goal of any base map is to be able to provide enough basic reference information that users can associate and locate attribute data for purposes of comparison or geographical correlation. While a base map can theoretically contain an infinite number of features, the framework is designed to contain those features most agencies need to do their business. Currently the geographic framework contains features such as roads, rivers, lakes, streams, railroads, political jurisdiction boundaries, power lines, pipelines, and other miscellaneous features. Other map features are included in the base map that may have other functional applications. These features include school district boundaries, census area tabulation boundaries, legislative district boundaries, voting precinct boundaries, and ZIP Code boundaries.

As a program, the framework serves as the mechanism for maintaining a statewide base map that is both current and relevant for supporting Michigan’s business applications. The program is designed to keep the map current both directly and indirectly. Directly, partners will provide map and attribute information periodically via their business applications by signaling changes that need to be made to the map (this could be the addition of new roads, boundary changes, etc.). Indirectly, the Michigan Information Center (MIC) will continue to integrate other more current and accurate Geographical Information System (GIS) work from local agencies. The program also is designed to keep the user community always in sync with current version of the products through the dissemination of change files, new data, documentation, training, and support.

**Crime Mapping Pilot Project**

The Criminal Justice Information Center, Crime Analysis Unit, is currently in the pilot stage of our mapping project. The Michigan Information Center Framework Project (see Framework article) is being used.

Tests are being conducted with several agencies within selected counties to provide basic crime maps. Michigan Incident Crime Reporting (MICR) data is utilized, along with address information provided by an agency, to create these maps. In the near future a survey will be sent to all law enforcement agencies for suggestions and recommendations about crime mapping. For more information about the mapping project, please contact Michael Morrison at (517) 322-5517 or via e-mail at MorrisMT@state.mi.us.

This image is a sample piece of a map created by the CJIC. Yellow ‘pins’ represent crimes in that area.
**Obtain Pistol Serial Numbers Directly From the Gun**

Serial numbers on new Sturm Ruger pistols are frequently being recorded incorrectly on Safety Inspection Certificates (registrations). The serial numbers often appear on the original box with a 0 prefix, however, the 0 is not on the gun. Please use the serial number on the gun directly to register a pistol. The 0 may also be recorded on the License to Purchase form as part of the serial number. If the 0 is on the license and not on the gun, cross it off. The license, registration and gun must all match.

**Duplicate Registrations**

There is a flaw in the Automated Pistol Registration System. The system should not accept two registrations for the same gun on the same date. This enables a querying agency to know who is the current legal owner of the pistol. Since the year 2000 upgrade, the APRS does allow a second registration to be printed for the same gun on the same day. The problem lies in the fact that the second registration is not actually entered. There will be a message appearing on the screen of the second registration, saying “Duplicate record on file”. Also, the print button is enabled. If the message appears on your screen that there is a duplicate record, or you see from the printout that there is a duplicate registration, please check to be sure that the second registration was entered.

When there are two registrations, for the same gun, on the same day, the registration of the person who no longer owns the gun should be backdated. The gun history will then remain accurate. If you need assistance getting the registration entered, call this office at 517 322-5518, ask for Larry or Deb.

**Only Capital Letters in the Automated Pistol Registration System (APRS)**

In using the Automated Pistol Registration System, the CAPS LOCK feature is enabled when the program is opened. Although this feature can be disengaged, do not disengage it. The APRS enters information directly into the Law Enforcement Information Network (LEIN) and all LEIN information is in capital letters. Serial numbers entered with lowercase letters are in the system but will not come back as a response to a LEIN query.

**Let APRS Assign the Current Date**

The majority of time when a Safety Inspection Certificate is entered via APRS, the date on the registration is the same as the date it is being entered. APRS automatically assigns the current date to the form, unless a different date is entered. Take advantage of this feature. It helps to minimize keying errors in the date field.

There are basically three instances where you would need to override the automated system that assigns the current date:

1. When there are two registrations, for the same gun, on the same day, backdate the registration of the person who no longer owns the gun, so the gun history remains accurate.
2. When the system is down, a registration issued manually may not be able to be entered into the system until a later date. The date that the registration was issued should be entered.
3. When a person sells a gun before the 10-day grace period expires and does not get the gun registered, the License to Purchase is entered on the Safety Inspection Screen using Action-L (meaning License to Purchase only) and the actual date of purchase is entered.

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**Defendant’s Ignorance of Federal Law is No Defense to Charge of Possessing a Firearm After a Domestic Violence Conviction**

As reported in the Police Law Bulletin of March 2000, in U.S. v Beavers, File no. 99-1829, February 16, 2000, the defendant, with a past domestic violence conviction, was arrested with three firearms in his possession. He claimed that the law prohibiting a person convicted of a misdemeanor offense of domestic violence from possessing a firearm was so obscure and technical that he did not know he was in violation. Therefore, the government should be required to prove that he knowingly violated the law. The sixth circuit disagreed.

**Carrying a Concealed Weapon (CCW) Applies to a Private Security Guard**

As reported in the Police Law Bulletin of February, 2000, in the case People v Ryan Joseph Biller, CA NO. 211933, on February 3, 2000, the police stopped the defendant, while he was in the course of his employment as a security guard, for a traffic violation. They found a pistol under the front seat. The defendant was charged with and convicted of CCW. He alleged that he could only be convicted of a misdemeanor for violating the Private Security Guard Act (PSGA), MCL 338.1051.

The judges held that the provisions of the PSGA requiring a security guard to comply with the CCW laws did not create an exception to the penalty provisions of the OCW statute for security guards. Accordingly, they affirmed his conviction.

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**Firearms Records 1999 Statistics**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Inspection Certificates/Licenses to Purchase issued</td>
<td>107,862</td>
</tr>
<tr>
<td>*(53% of these done on-line by automated agencies)</td>
<td></td>
</tr>
<tr>
<td>Concealed Pistols Licenses issued</td>
<td>18,420</td>
</tr>
<tr>
<td>Confiscated weapons turned in</td>
<td>19,028</td>
</tr>
<tr>
<td>Confiscated weapons destroyed</td>
<td>18,825</td>
</tr>
<tr>
<td>*This includes registrations entered by 56 agencies using the Automated Pistol Registration System, however, some of these agencies were not on-line for all of 1999.</td>
<td></td>
</tr>
</tbody>
</table>

**Confiscated weapons destroyed 18,825**

**Confiscated weapons turned in 19,028**

**Concealed Pistols Licenses issued 18,420**

**Safety Inspection Certificates/Licenses to Purchase issued 107,862**

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---

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There are basically three instances where you would need to override the automated system that assigns the current date:

1. When there are two registrations, for the same gun, on the same day, backdate the registration of the person who no longer owns the gun, so the gun history remains accurate.
2. When the system is down, a registration issued manually may not be able to be entered into the system until a later date. The date that the registration was issued should be entered.
3. When a person sells a gun before the 10-day grace period expires and does not get the gun registered, the License to Purchase is entered on the Safety Inspection Screen using Action-L (meaning License to Purchase only) and the actual date of purchase is entered.
Specifications for Electronic Prosecutor

Data are Available

Electronic arrest reporting from live scan allows the reporting of a prosecution decision electronically. Electronic reporting from the prosecutor is instrumental in local agency planning to interface live scan and become a paperless criminal records reporting entity. Specifications to report a prosecution decision electronically are available as an update to the AIRBS Manual and will be distributed in July 2000. To assure you receive updates, complete the AIRBS Manual Update Distribution Form in the front of the Manual and return it to the CJIC.

If you would like a copy of the AIRBS Manual or you do not receive the update specifications to report a prosecution decision electronically by the end of July, please call 1(888) 322-1956.

Court Originating Agency Identifier (ORI) Needed on Disposition Forms

The Criminal Justice Information Center (CJIC) is requesting that all courts include their ORI number on disposition forms. In some instances the printed disposition form has both District and Circuit court ORI provided and there is no indication which ORI is reporting the disposition. In other instances there is no court ORI provided at all. This requires staff to determine the correct ORI for the reported disposition based on the name of the judge on the form and the listing provided in the State Bar Journal. Please mark or highlight the correct ORI if more than one is printed on the form or write in your ORI when it is not on the form.

Disposition Reporting has Decreased in 1999

The goal of all efforts to improve criminal history record information is to achieve a 95% complete mark. The current report reflects that the completion rate is decreasing, not increasing. Eighty-seven percent of the records were complete in 1997, 84% in 1998, and only 64% in 1999. Thirty of the 83 Michigan counties were meeting the goal by reporting at or above the 95% level for both 1997 and 1998. This percentile dropped for many of these 30 counties during 1999 and is reflected in the 64% indicator on the report.

In an effort to provide for complete criminal history records, each quarter we supply courts with a list of cases where a year has elapsed since the date of arrest within that quarter and there is no disposition on file. If you have not been able to research the list, retain it, as new lists do not contain information from a previous quarter.

Complete listings of all open cases for your court are available for a single year, for multiple years, sorted by the arrest name, or sorted by Criminal Tracking Number (CTN). Please call (517) 322-1933 to request a report.

We also encourage courts to institute electronic disposition reporting. Courts may enter their dispositions to the record manually by entering data to a LEIN screen for transmission. If your court system is automated, you may interface that system with the state system and develop an extract program that automatically sends a disposition to the state via the LEIN communications link. The State Court Administrative Office (SCAO) also provides a service to courts that satisfies not only the criminal records reporting requirement but that of the Secretary of State and the SCAO. More than 100 courts are reporting dispositions electronically, providing about 35% of the dispositions entered to the system. Specifications for reporting dispositions to the state via LEIN are available by calling (517) 322-1933.

The Information Center staff are available to attend regional or statewide meetings of court administrators or clerks to present the materials pertinent to disposition reporting and answer any questions regarding the process. Call Tim Bolles at (517) 322-5529.
**Michigan Incident Crime Reporting (MICR) E-Mail Guidelines**

The number of MICR agencies submitting crime data via e-mail has increased from 82 to 163 since November 1999. Submitting via e-mail offers much more flexibility and ease than traditional means of reporting, however, steps must be taken to maintain the integrity of this process. As a quality assurance measure, the Uniform Crime Reporting (UCR) Unit is asking all MICR e-mail agencies to include in the e-mail subject line, the month and year of data, ORI number, and most importantly, the acronym MICR.

Example [Subject: January and February 2000 MICR Files for MI3300622]. As long as MICR is included in the subject line, a confirmation receipt will automatically be generated and sent as a reply acknowledging the file has been received. This should help eliminate the possibility of MICR files being lost during the transfer from one server to another. As a reminder, the naming convention for the actual MICR file should be in the following format:

`ymmm###.asc` (i.e. `00jan123.asc`) 2 digit year, 3-digit month, 3-digit juris.asc

If you would like to know more about switching from your current method of reporting to MICR e-mail, please contact your UCR contact person, or call (517) 322-1150.

**Results of the 1998 Michigan Uniform Crime Report Feedback Survey**

Please rate the following sections of the report as to whether you find them Useful, Somewhat Useful, or Not Useful.

<table>
<thead>
<tr>
<th>Section</th>
<th>USEFUL</th>
<th>SOMEWHAT USEFUL</th>
<th>NOT USEFUL</th>
<th>TOTALS</th>
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<tr>
<td>Data Analysis/Trends</td>
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<td>20.7%</td>
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<tr>
<td>Total Index Crime</td>
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<td>20.7%</td>
<td>20.7%</td>
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<tr>
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<td>25.0%</td>
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<tr>
<td>Hate/Bias Crime Data</td>
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<td>37.8%</td>
<td>36.7%</td>
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<tr>
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<td>21.8%</td>
<td>26.6%</td>
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<tr>
<td>Appendices</td>
<td>34.0%</td>
<td>29.3%</td>
<td>36.7%</td>
<td>100.0%</td>
</tr>
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</table>

**New MICR Arrest Charges**

8034 Let intoxicated person operate motor vehicle causing death (alcohol) .......................... 09003
8035 Let intoxicated person operate motor vehicle causing death (drugs) ........................... 09003
8268 Let suspended person operate causing death ........ 09003
5089 Failure to register ................................................. 50000
5090 Failure to comply with reporting duties ............... 50000
5091 Failure to sign registration ................................. 50000
5428 Operating under the influence causing serious injury .................................................. 54002
8036 Let intoxicated person operate motor vehicle causing serious injury (alcohol) .................. 54002
8037 Let intoxicated person operate motor vehicle causing serious injury (drugs) ..................... 54002

**22001 Burglary, Forced Entry / 22002 Burglary, Entry Without Force**

MICR data element 21 (Premises Entered) is only completed if the file class is 22001 or 22002 and the Location (data element 15) equals 14 (hotel/motel) or 19 (rental storage). Enter the number of structures (premises) entered.

**Question: Which section do you use most often?**

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<td>LEOKA</td>
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**Additional Questions**

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<td>3.2%</td>
<td>2.7%</td>
<td>100.0%</td>
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<tr>
<td>Does the report provide information useful to you?</td>
<td>91.5%</td>
<td>4.3%</td>
<td>4.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Is the format easy to follow?</td>
<td>92.0%</td>
<td>2.7%</td>
<td>5.3%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
**Trafficway / Access Control**

Below are diagrams for these two new data fields in the 2000 crash report. They have been created in order to assist you in filling out the UD-10 form.

**Trafficway** - A code indicating whether or not a trafficway is divided, and whether it serves one-way or two-way traffic, at the site of the crash. Indicate the degree of trafficway division at the site of the crash.

Refer to the UD-10 Instruction Manual, Section 27, Page 29

- **01 Not Physically Divided (Two-Way Trafficway)**

- **02 Divided Highway, Median Strip, Without Traffic Barrier**

- **03 Divided Highway, Median Strip, With Traffic Barrier**

- **04 One-Way Trafficway**

**Access Control** - Indicate the degree access to an adjoining roadway is fully or partially controlled by public authority.

Refer to the UD-10 Instruction Manual, Section 28, Page 29

- **01 No Access Control (Unlimited Access)**

- **02 Full Access Control (Ramp Entry & Exit Only)**

- **03 Other (partial access control)**

Note: Access is controlled by roadway configuration, not Traffic Control Devices, i.e., No Left Turn sign, etc.
**UD-10 and Crash**

**Reporting Fatal Crashes**

All fatal crashes must be reported to the Michigan State Police, East Lansing Operations (ELOP) via the Law Enforcement Information Network (LEIN). The format shown in Appendix B, pg. 69 of the UD-10 Instruction Manual must be used for this reporting procedure.

In crashes involving fatalities, the fatal bubble in the “Special Checks” section, and the “K” bubble in the Injury Severity Classification section of the UD-10 Traffic Crash Report, must be filled in.

Please, continue to report all fatal non-traffic crashes via the UD-10 Traffic Crash Report and the LEIN Fatal Crash Notification shown in Appendix B, pg. 69 of the UD-10 Instruction Manual.

**Non-Traffic Crash Reports**

Non-Traffic (private property) Crash reports, other than a fatal, ORV, or snowmobile non-traffic crash, should not be forwarded to Lansing for processing. For fatal, ORV, or snowmobile non-traffic crashes, reviewing personnel should make certain the non-traffic bubble is completed.

**New Contact for Crash Statistics**

The new contact person for CRASH information and statistics is Michael Morrison. Mike can be reached at (517) 322-5517 or via e-mail at MorrisMT@state.mi.us.

**Internet Crash Records and Statistical History (ICRASH)**

The Criminal Justice Information Center is currently developing specifications that would provide law enforcement and the general public access to a crash Internet web site. ICRASH (Internet Crash Records and Statistical History) will provide statistical information on traffic crashes in the State of Michigan. If you would like a copy of the draft specifications, please contact Theresa Page, Manager, Statistical Information Section, CJIC at (517) 322-1424.

“A PROUD Tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY”