



STATE OF MICHIGAN  
EXECUTIVE OFFICE  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN CALLEY  
LT. GOVERNOR

**EXECUTIVE ORDER  
2011 - 7**

**MICHIGAN DEPARTMENT OF STATE POLICE**

**MICHIGAN CRIMINAL JUSTICE INFORMATION SYSTEMS BOARD**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, the Michigan Department of State Police has been designated by the Federal Bureau of Investigation (FBI) as Michigan's Criminal Justice Systems Agency (CSA); and

WHEREAS, the Michigan Department of State Police, as Michigan's CSA, is held responsible by the FBI for Michigan's compliance with the FBI's Criminal Justice Information Systems policies; and

WHEREAS, Criminal Justice Information Systems, including the services and systems managed by the Michigan State Police, enhance public safety and criminal justice efforts; and

WHEREAS, Criminal Justice Information Systems, including the services and systems provided by the Michigan Department of State Police, benefit from collaboration with, and input from, system contributors and users who share ownership of the data therein; and

WHEREAS, it is necessary in the interest of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

## **I. DEFINITIONS**

As used in this Order:

A. "Board" means the Criminal Justice Information Systems Board created within the Michigan Department of State Police under Section II of this Order.

B. "Criminal Justice Information Systems" (CJIS) means systems provided by a governmental agency or authorized private entity that store and/or disseminate information used for the administration of criminal justice and public safety.

C. "Department of State Police" or "Department" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

## **II. CREATION OF THE MICHIGAN CRIMINAL JUSTICE INFORMATION SYSTEMS BOARD**

A. The Michigan Criminal Justice Information Systems Board is created as an advisory body within the Department of State Police.

B. The Board shall consist of the following 22 members:

- The Director of the Department of State Police.
- One representative of the Michigan Judges Association appointed by that association.
- One representative of the Michigan District Judges Association appointed by that association.
- One representative of the State Court Administrative Office appointed by that office.
- Two representatives of the Prosecuting Attorneys Association of Michigan appointed by that association.
- Three representatives of the Michigan Sheriff's Association appointed by that association.
- Two representatives of the Michigan Association of Chiefs of Police appointed by that association.
- The Chief of the Detroit Police Department, or his or her designee.
- One representative of the Michigan Communications Directors Association appointed by that association.
- One representative of a Tribal criminal justice agency appointed by the Inter-Tribal Council of Michigan.
- The Attorney General, or his or her designee.
- The Secretary of State, or his or her designee.
- The Director of the Department of Corrections, or his or her designee.
- The Director of the Department of Human Services, or his or her designee.

- The Director of the Department of Community Health, or his or her designee.
- The Director of the Department of Technology, Management and Budget, or his or her designee.
- Two representatives of the Department of State Police appointed by the Director of the Department.

C. The Director of the Department shall serve as the Chairperson of the Board. The Board shall annually elect a member of the Board to serve as Vice-Chairperson of the Board.

D. The Board shall be staffed and assisted by personnel from the Department, as directed by the Director of the Department. The budgeting, procurement, and related management functions of the Board shall be performed under the direction and supervision of the Director of the Department.

E. The Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

F. A majority of the members of the Board serving constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of its serving members.

G. The Board shall meet quarterly at the call of the Chairperson and as may be provided in procedures adopted by the Board.

H. The Board may establish advisory workgroups composed of representatives of law enforcement agencies participating in CJIS activities, other law enforcement or public safety agencies, and other public participation as the Board deems necessary to assist the Board in its duties and responsibilities. The Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

I. The Board may, as appropriate, make inquiries, conduct studies and investigations into costs, efficiencies, and processes associated with CJIS, hold hearings, and receive outside comments from the public. The Board may also consult with outside experts in order to perform its duties, including but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

J. Members of the Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses according to relevant statutes, rules, and procedures of the Civil Service Commission, and the Department of Technology, Management and Budget, subject to available funding.

K. The Board may hire or retain contractors, subcontractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental

to the exercise of the powers of the Board and the performance of its duties, as the Director of the Department deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission, and the Department of Technology, Management and Budget.

L. The Board may accept donations of labor, services, or other items of value from any public or private agency or person.

M. Members of the Board shall refer all legal, legislative, and media contacts to the Department.

N. The Board shall serve in an advisory capacity to the Director of the Department of State Police on issues related to the development and deployment of information management systems that facilitate the rapid exchange of accurate information between the various components of the criminal justice community.

O. Criminal Justice Information Systems upgrades or equipment procurements that will result in an increased cost to criminal justice agencies in order to access the system or information shall be presented to the Board before implementation or procurement.

P. The Board may recommend policy and rules governing access, use, and disclosure of information in Criminal Justice Information Systems, including the Law Enforcement Information Network (LEIN), the Automated Fingerprint Information System (AFIS), and other information systems related to criminal justice or law enforcement. These policies will:

1. Ensure access to information provided by a federal, state, or local government agency to administer criminal justice or enforce any law;
2. Ensure access to information provided by the LEIN or AFIS by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws;
3. Authorize a fire chief of an organized fire department, or his or her designee, to request and receive information obtained through the LEIN by a law enforcement agency for the following purposes:
  - a. A pre-employment criminal convictions history;
  - b. A pre-employment driving record;

- c. Vehicle registration information for vehicles involved in a fire or hazardous materials incident;
4. Authorize a public or private school superintendent, principal, or assistant principal to receive vehicle registration information, for a vehicle within 1,000 feet of school property, obtained through the LEIN by a law enforcement agency.

Q. Any recommendation adopted by a majority of the Board, which does not contradict federal security standards established by the FBI, and not acted upon by the Director of the Department within 30 days, will be subject to review and adjudication by the Governor, through his Legal Counsel.

R. The Board may recommend fees for access, use, or dissemination of information from Criminal Justice Information Systems.

S. The Department shall not assess any new fee for access, use, or dissemination of information from CJIS without Board approval unless mandated by statute. If a new fee for access, use, or dissemination from CJIS is mandated, the Board may recommend how that fee is calculated and distributed.

T. The Board may recommend standards for access to CJIS. The Department shall approve or disapprove applications for CJIS access. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval.

U. The Board may make recommendations to support the Department in ensuring compliance with federal security standards established by the FBI or Federal CJIS agencies, and authorize the Director, between meetings of the council, to immediately implement federal security requirements established by the FBI or Federal CJIS agency.

### **III. MISCELLANEOUS**

A. State departments and agencies shall actively cooperate with the Board in the performance of their duties and responsibilities under this Order.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

The provisions of this Executive Order shall become effective upon filing.

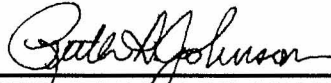
Given under my hand and the Great Seal of the state of Michigan this 16th day of June, in the year of our Lord, two thousand eleven.



RICHARD D. SNYDER  
GOVERNOR



BY THE GOVERNOR:



SECRETARY OF STATE