

MICHIGAN STATE POLICE
Criminal Justice Information Systems (CJIS)
Board Meeting Minutes
July 29, 2022
Michigan State Police Headquarters

Members Present

Name	Agency
Lt. Col. Chris A. Kelenske	Michigan State Police (MSP)
Ms. Michelle Kleckler (Proxy for Mr. Kevin Collins)	MSP, Criminal Justice Information Center (CJIC)
Judge Kirk Tabbey	14A District Court (Ypsilanti), Michigan District Judges Association
Sheriff Troy Bevier	Lenawee County Sheriff's Office, Michigan Sheriffs' Association (MSA)
Ms. Shawn Ryan	Michigan Department of Attorney General
Ms. Bobbi Morrow	State Court Administrative Office
Ms. Lisa Hall	Midland County 911, Michigan Communications Directors Association
Ms. Julie Nakfoor Pratt	Barry County Prosecutor's Office, Prosecuting Attorneys Association of Michigan (PAAM)
Mr. David Gilbert	Calhoun County Prosecutor's Office, PAAM
Mr. Kenneth Brzozowski (Proxy for Mr. Warren Wilson)	Michigan Department of Corrections
Mr. Darryl Hill	Michigan Secretary of State
Mr. Brian Pillar	Michigan Department of Technology, Management and Budget (DTMB)
Mr. David Russell	Michigan Department of Health and Human Services (MDHHS)
Mr. Robert Medacco	Little Traverse Bay Band of Odawa Indians, Inter-Tribal Council of Michigan
Captain Shelley Holderbaum	Detroit Police Department
Mr. David Gilbert	Calhoun County Prosecutor's Office, Prosecuting Attorneys Association of Michigan (PAAM)

Guests

Sgt. Travis Fletcher, MSP	Ms. Ashley Alvarado, MSP
Ms. Mitzi Goldstein, MSP	Mr. Wayne Aldrich, MSP
Ms. Sherry Rosin, MSP	Ms. Hattie VanDenDriessche, MSP

Welcome

Judge Kirk Tabbey called the meeting to order. Board members and public attendees introduced themselves.

Last Meeting Minutes Approval

Motion: To approve previous meeting minutes (Ms. Bobbi Morrow)

Support: Ms. Lisa Hall

Motion passed unanimously. Last meeting minutes approved.

Approval of Agenda

No motion made; no vote held.

Legislative Update: Sgt. Travis Fletcher

HB 4701 – Oral Fluid

- Permits the use of “other bodily fluid” as preliminary chemical test for operating while intoxicated.
- 1/25/2022: HB received hearing in House Judiciary
- No further movement

HB 4705 - Open Meetings

- Requires sound-only, video with sound, or broadcast capable of being recorded for every meeting of a public body that is a state licensing board, state commission panel, or state rule-making board. [Does not apply to CJIS Board].
- 5/3/22: Public Act 63 of 2022 – Effective Sine Die (When session expires/ends)

HB 4174 – Criminal Justice Data Collection

- Subject to appropriations, seeks to establish uniform data collection and reporting system for courts and law enforcement.
- Tracking and reporting of criminal cases from arrest through final disposition
- Additional reporting requirements for SCAO
- 2/9/2021: HB introduced and assigned to House Judiciary
- No further movement

Package: HB 5274-5280, 5534, 5594 - Child Abuse, Child Protection Law

- Requires DHHS to maintain a statewide electronic case management system for child abuse and child neglect cases.
- 5/5/22: Public Acts 64 – 72 of 2022, effective 11/01/22

HB 5368 – Court Records

- Requires that defendants name and date of birth not be redacted from a court record.
- 11/4/2021: Referred to Senate Judiciary and Public Safety
- No further movement

Package: HB 5912–5920 – Criminal Procedure; Records; Expunction

- See April 29, 2022, meeting minutes for description
- 3/16/2022: Introduced, referred to Judiciary Committee
- No further movement

Mr. David Russell commented on HB 5277. At this time, MSP will not be affected directly by the bill.

Mr. Darry Hill commented on SB 1064 regarding search processes. Sgt. Fletcher will follow up on its effect on the MSP.

Ms. Michelle Kleckler commented on the Governors Directive and the Bipartisan Safer Communities Act as it pertains to data entry into the Interstate Identification Index (III), the National Crime Information Center (NCIC), and National Instant Criminal Background Check System (NICS), ensuring information is provided to the federal government timely.

CJI Appeals Criteria: Ms. Mitzi Goldstein

Ms. Mitzi Goldstein updated the Board on recent requests submitted to the CJIS Systems Officer to provide a written criteria for review, for access, as it pertains to an individual who has a felony. The CJIS Security Policy states, “If a felony conviction of any kind exists, the Interface Agency shall deny access to CJI. However, the Interface Agency may ask for a review by the CJIS Systems Officer (CSO) in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.” The criteria used for automatic set aside was reviewed, input was gathered, leaving room for open discussion on consideration for a felony conviction that is at least 10 years from the

imposition of the sentence, the conviction or completion of any term of imprisonment, whichever occurs later. If the offense meets one of the following criteria the request for a variance will not be reviewed; (1) any offense that is punishable by 10 years or more by imprisonment, (2) a crime with elements of a minor, vulnerable adult, injury or serious injury involving death, (3) in violation related to human trafficking, (4) no current pending criminal charges, (5) the applicant has not been convicted of any criminal offenses during the application period. These criteria will be available for agencies to review and determine if they have an applicant they wish to move forward in the process and meets the criteria, then to request a variance from the CSO.

Board: Open discussions held.

Lt. Colonel Kelenske: The committee shall continue to meet.

Board Round Table

Ms. Julie Nakfoor Pratt: Asked for guidance as to how police agency commission(s) and investigator(s) would be able to review police documents as they relate to an investigation. Can they get them directly from the police agency? Do they need through FOIA?

Board discussion: Access to Criminal Justice Information (CJI) must be in accordance with the CJIS Administrative Rules. Whether a police commission can access CJI is dependent upon whether the police commission is part of the police agency. A police commission that is part of the police agency may access CJI in the performance of its criminal justice/official law enforcement functions. A police commission that is not part of the police may not access CJI.

Public Comment

No comments.

Motion: To adjourn (Lt. Col. Kelenske)

Support: Judge Kirk Tabbey

Motion passed unanimously. Meeting Adjourned.

**2022 Upcoming CJIS Board meetings:
Friday, October 21, 2022 – 9:30 a.m. to 12 p.m.**