

MICHIGAN STATE POLICE
Criminal Justice Information Systems (CJIS)
Board Meeting Minutes
July 23, 2021
Microsoft Teams Virtual Meeting

Members Present

<u>Name</u>	<u>Agency</u>
Lt. Col. Chris A. Kelenske	Michigan State Police (MSP)
Judge Kirk Tabbey	Michigan District Judges Association
Mr. Kevin Collins	MSP
Sheriff Troy Bevier	Lenawee County Sheriff's Office, Michigan Sheriffs' Association (MSA)
Ms. Julie Nakfoor Pratt	Barry County Prosecutor's Office, Prosecuting Attorneys Association of Michigan (PAAM)
Mr. David Gilbert	Calhoun County Prosecutor's Office, PAAM
Chief David Molloy	Novi Police Department, Michigan Association of Chiefs of Police (MACP)
Ms. Lisa Hall	Michigan Communications Directors Association
Ms. Michele Muscat Proxy for Ms. Bobbi Morrow	State Court Administrative Office (SCAO)
Ms. Peggy Hines Proxy for Mr. Darryl Hill	Michigan Department of State (MDOS)
Mr. Ken Brzozowski Proxy for Mr. Warren Wilson	Michigan Department of Corrections (MDOC)
Ms. Denise Stork-Philips Proxy for Mr. David Russell	Michigan Department of Health and Human Services (MDHHS)
Mr. Brian Pillar	Michigan Department of Technology, Management, and Budget (DTMB)
Mr. Robert Medacco	Inter-Tribal Council of Michigan

Guests

Director Heidi Williams, Ingham County Animal Control	Ms. Sherry Rosin, MSP
Deputy Director Dan Verhougstraete, Ingham County Animal Control	Ms. Mitzi Goldstein, MSP
Sheriff Scott Wigglesworth, Ingham County Sheriff's Office	Ms. Kristin Forester, MSP
Sgt. Nicole McGhee, MSP	

Welcome

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

Last Meeting Minutes Approval

Motion: Chief Molloy moved to approve the meeting minutes from April 22, 2021.

Support: Sheriff Bevier.

Motion passed unanimously.

Amend Agenda

Motion: Ms. Hall moved to amend the agenda for today, adding the removal of Personally Identifiable Information (PII) ruling from the courts.

Second: Support not requested.

No vote held.

Approval of Agenda

No motion made; no vote held.

Removal of PII Ruling:

Ms. Muscat: The Michigan Supreme Court adopted a rule to remove PII from public court forms. This rule was put into place to protect the PII of individuals in the court system. Private background check companies are the biggest issue as they are asking the clerks to pull court information instead of using the MSP ICHAT as directed. Courts will maintain a non-public version of the document containing all the PII needed for entry into LEIN, and a public version with no PII. The effective date was extended to January 1, 2022, to give time for the case management systems to be updated. The SCAO will work on putting out an explicit directive to the courts on this issue.

Legislative Update (Sergeant McGhee)

Signed Into Law:

Public Act 39 of 2021 (Senate Bill 438)

- Prohibits law enforcement from issuing an appearance ticket for operating while intoxicated.

Moving Legislation:

House Bills 4219 and 4220 – OWI Set Aside

- Provides for the setting aside of a single OWI first conviction.
- Requires application – not automatic.
- Record still maintained on certified driving record.

***Bills are tie-barred to House Bills 4308 and 4309 (.08 BAC sunset elimination) and SB 400 (application extension to 5 years) ***

Senate Bill 11 – CPL's under the EMA

- Specify that an executive order issued under the Emergency Management Act (EMA) would not affect a county clerk's duty to issue a concealed pistol license (CPL) or CPL renewal, provide fingerprinting services for CPL purposes, or provide personal identification numbers for online CPL renewals.
- Under a declared a state of emergency or disaster under the EMA, allow the Michigan State Police (MSP) to provide personal identification numbers for online CPL renewals.

Legislation To Watch:

House Bill 4174 – Criminal Justice Data Collection

- Seeks to establish uniform data collection and reporting system for courts and law enforcement.

House Bill 4653 – Child Abuse Registry (Wyatt's Law)

Senate Bill 371

- Seeks to establish a registry for individuals convicted of a "child abuse offense".

House Bill 4701 – Oral Fluid

- Permits the use of "other bodily fluid" as evidentiary chemical test for operating while intoxicated

Set Aside Update (Ms. Rosin)

The Clean Slate law went into effect in April 2021, expanding eligibility for Conviction Set Asides by application. Since April 2021 the Criminal History Section has seen a 100 percent increase in applications.

The major piece of the law is the Automatic Set Aside, which takes effect April 2023. The overarching goal is to make it as easy as possible for individuals to set aside qualifying convictions. Note: Automatic doesn't mean automated; it means the individual doesn't have to take action for their record to be set aside. There will be occasions when the newly created Set Aside & Expungement Unit will need to complete manual processes. The MSP database will determine eligibility. MSP Legal Resources is helping with the design of the rules engine. The kickoff meeting for this project is Wednesday, July 28, 2021. The development environment should be ready for testing by September 2021. MSP will be engaging courts and MDOC throughout the process. Eligibility is based in part on information not currently in MSP's system. A solution will have to be developed to ensure that information from MDOC is properly reported to the MSP database. Open cases will make determining eligibility difficult. MSP will push to get open cases cleaned up. MSP will only be able to make eligibility determinations based on finger-printable incidents. The CJIC Reporter application will be used to communicate with the courts about what needs to be set aside. Logging and auditing processes will be included in the programming. Courts will have the ability to overrule an eligibility determination. Planning a soft launch for October 2022.

Michigan Addendum (Mr. Collins)

The Michigan Addendum was signed by Colonel Gasper on May 28, 2021.

The updated addendum is available on the LEIN website. This is a supplement to the Federal Bureau of Investigation Criminal Justice Information Services Security Policy and CJIS Administrative Rules. The updates include clarification on rules, definitions, acronyms/initialisms; updated access policy; and fax transmission of CJI policy.

Animal Control's Access to LEIN

Animal Control Offices (ACO) not under auspice of a sheriff's office don't have access to CJI. Sheriff Bevier is bringing this to the board on behalf of Sheriff Wrigglesworth. ACOs are often being asked to go to unsafe situations unarmed (physically and informationally). The sheriff's office can't run the information in LEIN for ACOs because dissemination of the CJI is not authorized in this case. ACOs respond to misdemeanors, felonies, conduct critical investigations, issue citations, and request charges on offenders. They are authorized to enforce the law but are not authorized to access information that would aid in keeping them safe. Asking the Board to assist with allowing ACOs access to CJI. Title 28 CFR part 20, states that in order for the agency to be given access to CJIS as a criminal justice agency subunit, they must utilize 50 percent of resources on the administration of criminal justice.

Motion: Lt. Colonel Kelenske moved to have Mr. Collins ascertain what steps need to be taken to create/define a criminal justice subunit for animal control officers to gain access to CJIS.

Support: Sheriff Bevier

Motion passed unanimously.

Michigan Department of State Gender Change Language/Letter Motion (Lt. Colonel Kelenske)

Per Colonel Gasper's request, Judge Tabbey will do a deep dive into the issue. The current group (Sheriff Bevier, Ms. Hall, Undersheriff Dewitt, and Judge Tabbey) in place will receive an email about how to go about collecting more in-depth information to present to the Colonel. Because LEIN filters responses by gender, and gender X (non-binary) seems imminent, Ms. Hall wants to ensure CJIS systems are prepared.

A meeting that included Lt. Colonel Kelenske, Chief Molloy, Chief Dood, and Undersheriff Dewitt was held with the trans community and received positive feedback. The trans community is willing to help improve relations with law enforcement. The state has made progress as the National Center for Transgender Equality previously graded Michigan with a C and has since upgraded the state to an A.

Board Round Table

Ms. Nakfoor Pratt: Prosecutor Offices are adapting to the Jail Reform. Barry County conducted training before it went into effect and will conduct a training to see how it's going.

Ms. Hall: 911 Act is sunseting at the end of the year. The previously approved funding did not generate enough revenue. HB 5026 will extend the sunset and increase surcharges. The bill also requires audits be performed to ensure the money is going where it should.

Sheriff Bevier: The chiefs in Lenawee County had a conversation with Rep. Bronna Kahle about the truth in sentencing. It was a good conversation. The MSA and MACP is following this topic.

Judge Tabbey: The courts are running into issues with using Zoom. Specifically, domestic abuse victims do not want to appear on YouTube. This information is being presented to the Supreme Court committees to determine what courts must Zoom and make publicly available, clarify the definition of public, and determine the recording's retention period.

Public Comment

N/A

Motion: Chief Molloy moved to adjourn meeting.

Support: Ms. Muscat

No vote held.