



OFFICIAL ORDER

MICHIGAN STATE POLICE

Chapter: Records, Freedom of Information, and Transparency
Subject: 14-31 – Criminal History Records
Effective: April 29, 2024
Supersedes: Official Order 14-31, dated April 19, 2022
Distribution: Department Members

PURPOSE: This Order establishes department policy for the collection, storage, and dissemination of criminal history records and latent print comparisons.

14-31-1 POLICY

It is the policy of this department to securely process and handle Criminal History Record Information (CHRI) to ensure the protection of sensitive information and maintain public trust. As custodians of these records, members have a responsibility to uphold the highest standards of confidentiality, integrity, and security throughout all stages of handling.

14-31-2 DEFINITIONS

A. 28 CFR Part 20

[28 CFR Part 20](#) refers to the federal regulations requiring the collection, storage, and dissemination of CHRI in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.

B. Criminal Justice Agency

"Criminal justice agency" means courts; and a government agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part (over 50%) of its annual budget to the administration of criminal justice. State and Federal Inspector General Offices are included.

C. Administration of Criminal Justice

The "administration of criminal justice" means performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

D. CHRI

CHRI means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal,

sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

E. National Crime Information Center/Interstate Identification Index (NCIC/III)

NCIC/III is the national index of computerized criminal histories available via NCIC or the International Justice and Public Safety Network (Nlets), identified and indexed from data received on FBI fingerprint submissions.

F. Law Enforcement Information Network (LEIN)

"LEIN" means the Michigan Law Enforcement Information Network.

14-31-3 AGENCIES SUBJECT TO 28 CFR Part 20

The department is subject to 28 CFR Part 20 along with any recipient of CHRI maintained by the department.

14-31-4 ACCOUNTABILITY FOR CHRI REQUESTS

Department work units having direct access to the Michigan/CHRI, NCIC and III shall follow LEIN rules and procedures concerning access to these files.

- A. CHRI files shall be accessed for official business only.
- B. Requests for CHRI from a device with direct access to LEIN shall contain the purpose of the query, the name of the terminal operator, the name of the person requesting the inquiry and the identity of their agency, and any other data pertinent to the dissemination or use of the information.
- C. LEIN device requests for CHRI shall automatically be logged by the CJIC.
- D. District and division commanders, the Field Support Section of the CJIC, and state and federal auditors may use the computerized log file for auditing purposes.

14-31-5 CHRI DISSEMINATION POLICY

- A. The CHRI files maintained by the department are restricted on a right-to-know basis. Criminal justice agencies may receive CHRI for the purpose of the administration of criminal justice and criminal justice employment.
- B. Except as allowed in paragraph C below, members shall not obtain CHRI for, nor directly or indirectly supply CHRI to, citizens, private guard or detective agencies, insurance companies, National Guard, U.S. Military recruiters, private attorneys, non-criminal justice agencies, or others who do not have a legal right to such data.
- C. CHRI may be released by the CJIC to other than criminal justice agencies if determined by the CJIC director in accordance with the CJIS Administrative Rules to be within legal and policy restraints.
- D. Requests for CHRI which cite the Michigan Freedom of Information (FOI) Act shall be processed according to Official Order 14-02 - Freedom of Information Act and shall be disseminated by the Records Resource Section (RRS).
- E. Certain State of Michigan departments, or subunits of those departments, are eligible for Michigan CHRI information authorized by [Executive Order 1990-10](#). Members shall refer to the LEIN operation manual for the correct purpose code to be used in the inquiry.

F. Out-of-State Requests.

Requests received from an out-of-state source shall be referred to the CJIC for review of authority and response. Out-of-state requests for CHRI shall not be answered by posts or units.

G. Member Responsibility

Members having access to CHRI are personally responsible and individually liable for misuse by themselves or by an unauthorized person to whom they furnish information. Any agency or individual violating Title 28 policies for use and dissemination of CHRI shall be subject to a fine not to exceed \$10,000. Members are also subject to department discipline according to the Code of Conduct.

14-31-6 NONPUBLIC OR SEALED RECORDS

A. Courts of jurisdiction shall report dispositions to the Criminal Justice Information Center (CJIC) to be entered in the criminal history records as sealed for the following Michigan Compiled Laws:

- (1) [333.7411](#) – Controlled Substance Act
- (2) [600.1076](#) – Drug Treatment Court
- (3) [600.1098](#) – Mental Health Court
- (4) [600.1206](#) & [600.1209](#) – Veterans Treatment Court
- (5) [712A.2f](#) – Juvenile Consent Calendar
- (6) [750.350a](#) – Parental Kidnapping
- (7) [750.430](#) – Practicing Under the Influence
- (8) [750.451c](#) – Human Trafficking Victim
- (9) [762.11](#) to 762.15 – Holmes Youthful Trainee Act
- (10) [769.4a](#) – Spouse Abuse

B. On receipt of the sentence disposition, the CJIC shall enter the disposition and control dissemination to criminal justice agencies and the subject of record.

C. The CJIC does not notify the originating work unit when the record is sealed from public access.

D. Under [MCL 769.16a\(8\)](#), for cases that end without a conviction, the CJIC shall remove all information indicating the person was convicted of the offense from databases that are available to the public.

14-31-7 DISSEMINATION

A. Secondary dissemination of Michigan criminal history record information by a department work unit other than the CJIC is limited by the Michigan CJIS Administrative Rules, LEIN policy, National Crime Information Center (NCIC) policy, the FBI CJIS Security Policy, the Michigan Addendum to the FBI CJIS Security Policy, and [Executive Order 1990-10](#).

- B. Requests for criminal history record information other than those authorized by the references listed above, including personal records checks, shall be directed to the CJIC.

14-31-8 PROCESSING CHALLENGES TO PUBLIC RECORDS

A. Responsibilities of Worksite Commanders

- (1) An individual who is the subject of a criminal history record which they believe either does not belong to them or has inaccurate information on it has the right to seek correction of the record.
 - a. Individuals who believe the criminal history record does not belong to them shall be fingerprinted on an RI-008, Applicant Fingerprint Card. The member shall direct the individual to mail the fingerprint card with a copy of the record in question to the CJIC, indicating the need for a record challenge.
 - b. Individuals who have an inaccurate criminal history record shall be directed to contact the contributing agency to provide any documentation to CJIC.

B. Responsibilities of the CJIC

- (1) The CJIC shall conduct an investigation into the request by:
 - a. Reviewing the contested record.
 - b. Reviewing evidence of error presented by the requestor.
 - c. Requesting field assistance to verify inconsistencies.
- (2) The CJIC shall act on the request within 30 business days of receipt of the request.
- (3) Acting on the evidence found, the CJIC shall render a decision and advise the requestor in writing of the decision.
 - a. If the requestor's claim is sustained, the disputed record shall be modified by the CJIC.
 - b. If the requestor's claim is denied, the requestor shall be informed.

C. Appeal Process

- (1) A person whose request to have a department record modified has been denied may appeal this decision to the CJIC.
- (2) If the CJIC affirms the decision, the requestor shall be notified in writing. The requestor shall also be informed that they may pursue the matter further by commencing court action.

14-31-9 LATENT LIFT COMPARISON FOR CRIMINAL HISTORY RECORDS

- A. Fingerprinting needed for laboratory latent print comparison elimination shall be done on a standard known impression card.
- B. Forensic Science Division crime laboratories shall be responsible for all department latent print comparisons.

DIRECTOR

Annual Review Responsibility:	Criminal Justice Information Center
Accreditation Standards:	CALEA 82.1.1