

# 2021 SEARCH SYMPOSIUM ON JUSTICE INFORMATION TECHNOLOGY, POLICY AND RESEARCH

## PLANNING FOR CLEAN SLATE MICHIGAN'S EXPERIENCE

July 13, 2021



# MICHIGAN LAW ENACTED OCTOBER 2020

## “Clean Slate”

Seven act bipartisan package.

Public Act 213 of 1965 – Setting Aside Convictions

Amended by:

Public Act 187 of 2020 – Disqualifying Offenses

Public Act 188 of 2020 – Multiple Offenses – “One Bad Night”

Public Act 189 of 2020 – Misdemeanor Marihuana Offenses

Public Act 190 of 2020 – Application and Procedure

Public Act 191 of 2020 – Victims of Human Trafficking

Public Act 192 of 2020 – Misdemeanor Marihuana Offenses

Public Act 193 of 2020 – Set Asides without Application – “Automatic”

Passage of the law, along with the programming required by Michigan State Police and Department of Technology, Management, and Budget, will allow residents of the state to provide for their families by being able to obtain employment, housing, etc., without the fear of rejection, due to a past criminal incident.

# EXPUNGEMENT/CONVICTION SET ASIDE

## **Expungement – Completely removes**

MCL 28.243(8)(b)(i) The arrest record, all biometric data, and fingerprints shall be expunged or destroyed, or both, as appropriate.

## **Conviction Set Aside – Retain as non-public**

MCL 780.623(2) The department of state police shall retain a nonpublic record of the order setting aside a conviction, or other notification regarding a conviction that was automatically set aside under section 1g, and of the record of the arrest, fingerprints, conviction, and sentence of the person in the case to which the order or other notification applies.

# CURRENT PROCESS

Public Act 213 of 1965 – Setting Aside Convictions

MCL 780.621

(1) Except as otherwise provided in this act, a person who is convicted of 1 or more criminal offenses **may file an application with the convicting court** for the entry of an order setting aside 1 or more convictions...

1 or more criminal offenses, but not more than a total of 3 felony offenses, can be set aside

Exceptions:

Not more than 1 felony crime punishable by more than 10 years imprisonment

Crimes deferred or dismissed under special circumstances

Assaultive crimes

Certain traffic offenses

# AUTOMATIC SET ASIDE

Public Act 193 of 2020 – Set Asides without Application – “Automatic”

MCL 780.621g

(2) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation and subsections (5), (6), (7), and (10), a felony conviction that is recorded and maintained in the department of state police database is set aside under this section without the filing of an application.....

(3) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation and subsection (10), a conviction for a misdemeanor offense for which the maximum punishment is imprisonment for not more than 92 days that is recorded and maintained in the department of state police database is set aside under this section without the filing of an application under section 1 if 7 years have passed from the imposition of the sentence.

(4) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation and subsections (5), (6), (7), and (10), a conviction for a misdemeanor offense for which the maximum punishment is imprisonment for 93 days or more that is recorded and maintained in the department of state police database is set aside under this section without the filing of an application under section 1 if 7 years have passed from the imposition of the sentence.

# PLANNING AND IMPLEMENTATION

## ➤ Step 1

### Lean Process Improvement (LPI)

February/March 2021 –

Focus Group Meetings

Courts and Clerks

Michigan Department of Corrections (MDOC)

Juvenile Courts

Michigan Attorney General

Process Mapping

Recommendations

Implementing a new system – “rules engine”

Utilizing CJIC Reporter – existing system within MSP

Establish connection with MDOC

Data Matching – Update/Create new fields and disposition codes

Eligibility Determination – information contained within the MSP database

# PLANNING AND IMPLEMENTATION

## ➤ Step 2 (Moving Forward)

### Design Confirmations

July 2021 to September 2021

- Kick-Off meeting

- User story/work request creation

- Collaboration with external partners

- Stand-up new set aside and expungement unit

  - Creation of new positions

# PLANNING AND IMPLEMENTATION

➤ Step 3

Design/Build/Test

September 2021 to October 2022



# PLANNING AND IMPLEMENTATION

## ➤ Step 4

### Implement and Operate

October 2022

Soft Launch and roll-out of new rules engine

January 2023

Initial data sent to courts

April 2023

System Launch

# LEGAL, POLICY, OPERATIONAL, AND TECHNICAL ISSUES

- Who determines eligibility
- Interaction with external systems
- Incomplete information
- Release from incarceration dates
- Pending Charges
- Access to non-electronic records

# QUESTIONS



