

RECORDS FROM THE FEDERAL BUREAU OF INVESTIGATION

Getting your FBI Record

- The FBI keeps a list of all of your arrests and convictions in the United States no matter what state they were in.
- You can get your FBI record by writing directly to the FBI. (Certain employers can also get your FBI records through the Michigan State Police.) You can call the FBI at (304) 625-3878 for specific questions about getting your record, but they will not send your record without a written request.
- Be sure to include:
 - 1) Your full name.
 - 2) Your date of birth.
 - 3) Your place of birth (including the state and country) — for example, Grand Rapids, Michigan, USA or Landover, MD, USA or San Salvador, El Salvador.
 - 4) Your return address.
 - 5) A set of fingerprints. You can get fingerprints taken at your local police station.
 - 6) A money order for \$18 payable to "Treasurer of the United States." If you cannot afford to pay \$18, you must send a notarized affidavit stating that you are unable to pay.
- Send your letter, fingerprints and money order to:
FBI CJIS Division – Record Request
1000 Custer Hollow Road
Clarksburg, West Virginia 26306

Correcting your FBI Record

- All of the information in your FBI record was provided by other local, state, and federal agencies. Therefore, in order to correct information on your FBI record, you must contact the agency that originally gave the information to the FBI.
- If the error on your FBI record concerns a Michigan conviction or arrest, contact the Michigan State Police Criminal Justice Information Center at 517-322-5531.
- If the error on your FBI record concerns a conviction or arrest in another state, contact that state's central criminal records information center. The Michigan State Police Criminal Justice Information Center can give you phone numbers for other states' criminal records information centers.

RECORDS FROM PRIVATE COMPANIES

Getting Your Record from a Private Company

- A significant number of private companies now provide criminal background checks for a fee. Many of these sources are available on the Internet.
- Some web sites that provide background checks are:
<http://www.docusearch.com>
<http://www.amerusa-criminal-records.com>
<http://www.tracingamerica.com>
<http://www.choicepoint.com>

Correcting Your Record With a Private Company

- The procedures to correct private company records vary from company to company, so you will need to contact the company directly.
- Usually private company records are based on state and local records, so you may need to correct those records first.
- If criminal record information provided by a private company is inaccurate, you may have a legal claim against the company under the Fair Credit Reporting Act or other laws. Please consult an attorney.

Records from the Local Police and Local Courts

- Records from your local police department or local court usually only include information about local offenses. These records sometimes include information about minor offenses that may or may not be on your Michigan State Police record.
- Check with your local court or police department about how to get and correct your criminal record. In some areas, your criminal record may be available on the Internet. In other areas, you may need to go to the court or police station to get your record.
- In cases where no fingerprints were taken (such as minor traffic offenses), it can be very difficult to prove that a conviction does not belong to you. You may need to file a motion to correct or seal the record. If you need assistance in correcting your record, contact an attorney.



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60 W. Hancock
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CLEAR YOUR NAME

**A GUIDE TO HELP YOU CORRECT
YOUR RECORD IF IT CONTAINS
CRIMES YOU DID NOT COMMIT**

Having a criminal record can keep you from getting a job, getting an apartment, or getting a loan. That's bad enough if you did the crime. But it is even worse if the crimes on your record actually belong to somebody else. These "mistaken identity convictions" can end up on your record if someone who committed a crime used your name when arrested or if you have a common name.



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There are several different places where you — or people who want to find out about you — can get your criminal record: the Michigan State Police (MSP), the Michigan Department of Corrections (MDOC), the Federal Bureau of Investigation (FBI), private companies, and your local police department and courts. Each keeps different information about your criminal record and has different procedures for getting and correcting that information.

The most widely used source of criminal information is the Michigan State Police. Many use the MSP as the source for background checks, including employers, landlords, the FBI and private companies.

If you think your criminal record may contain convictions that do not belong to you, the first step is to figure out which record is incorrect. For example, if you have been denied a job or housing because of a record that does not belong to you, ask the employer or landlord for a copy of your record. Once you know where the incorrect information is coming from, you can begin the steps to correct it. If there are mistakes in more than one place, you will have to correct the information in each separately. Correcting the information from one source will not automatically correct it for others.

RECORDS FROM THE MICHIGAN STATE POLICE — INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT)

Getting Your MSP Record

- To get your ICHAT record, go to: <http://www.michigan.gov/msp> Click on ICHAT on the lower left hand side.
- To submit the request online, you must pay \$10 with a credit card.
- If you cannot afford to pay, you can request a free copy by submitting a fee waiver form. The form and instructions are available on the ICHAT website.
- Be sure to include your name, race, sex, date of birth, maiden name and all prior married names, along with the necessary forms. You may also include a social security number, especially if you have a common name. Make sure to include your return address.

Correcting Your MSP Record

- Go to the nearest law enforcement agency and request to be fingerprinted. Check to see what the cost is — MSP posts do not charge for fingerprinting, local police stations sometimes do.
- Write to the Michigan State Police Criminal Justice Information Center asking for a "record challenge." There is no fee for this. Be sure to include:
 - 1) A copy of the Michigan State Police record.
 - 2) An original set of fingerprints.
- Send your letter and the documents to:

Michigan State Police
Criminal Justice Information Center
7150 Harris Drive
Lansing, MI 48913
517-322-5531
- If your fingerprints show that the criminal record does not belong to you, the MSP will send you a clearance letter. They will also mark your record with a note that the convictions do not belong to you.
- Be sure to keep a copy of your clearance letter. You may need to show this letter to potential employers, landlords, etc. Because of the way the MSP computer system currently works, the convictions will still be listed under your name even after you have proven that they do not belong to you. This letter will be your proof that those convictions do not belong to you.
- Changes in the MSP computer system may not be complete until sometime in the summer or fall of 2006 at which time records for individuals who have obtained clearance letters will be changed and will no longer be available to the public. Your record will only be changed if you have done a record challenge and obtained a clearance letter. You should check your record again in the summer or fall of 2006, to make sure the "mistaken identity convictions" have been removed.

Inaccurate Records

- If the type or date of the conviction is wrong, or the record shows a conviction that should have been removed, get certified copies of the court documents or any other documents that show that the information contained on the criminal record is incorrect. If the proof provided is satisfactory, the MSP will make the corrections.

RECORDS FROM THE MICHIGAN DEPARTMENT OF CORRECTIONS — OFFENDER TRACKING AND INFORMATION SYSTEM (OTIS)

OTIS only contains information about prisoners, parolees and probationers who have been sentenced to prison or probation. Because OTIS is free, some people use OTIS to get information instead of the MSP.

Getting Your MDOC Record

- To get your OTIS record, go to: <http://www.state.mi.us/mdoc/asp/otis2.html>, and fill in the search screen.

Correcting Your MDOC Record

The Department of Corrections uses the name that appears on the "judgment of sentence" (the court document that shows the name used at the time of conviction and sentencing.) Therefore, if someone is convicted and sentenced under your name, you will appear in OTIS as the person who committed the crimes.

- The DOC will only make changes to OTIS if you get the judgment of sentence corrected. To get the judgment of sentence corrected, contact the clerk's office in the court where the person who used your name was convicted.
- The process for changing the judgment of sentence may be different from court to court. In some counties the clerk's office will just make the changes for you. In other counties you may need to file a motion asking the judge to change the name on the judgment of sentence. If you need to file a motion, you may want to contact the prosecutor's office or a private attorney to assist you.
- Once the judgment of sentence is corrected, write to the Department of Corrections asking that OTIS be corrected. Send your letter, along with the certified copy of the corrected judgment, to:

Field Operations
Department of Corrections
P. O. Box 30003
Lansing, MI 48909