



PURPOSE: To establish a procedure to make case files available to the public pursuant to MCR 8.119(E) and in accordance with 55th District Court Administrative Order 2009-04.

POLICY:

1. **GENERAL**

- A. All requests to inspect case files and/or to make copies of documents filed in a case file must be made on a "File/Copy Request Form" or must be made in writing.
- B. Members of the public interested in reviewing public case files must leave proper identification (driver's license, state identification) with a district court clerk. The respective clerk shall so note the number of documents contained within each case file on the File/Copy Request Form and attach the individual's identification to the form. Files shall be reviewed at a location to be determined by administrative personnel. Upon return of the files, the respective clerk shall review the files to make sure that documents have not been removed from the file. The individual's identification shall be returned upon the return of the files and the satisfaction that no documents have been removed. If files are not returned or documents have been removed from the file, the individual's identification will not be returned and legal action may be taken against the person(s) involved.
- C. The right of immediate public inspection is a top priority, however may be limited by the ability of the court's staff to secure the file(s) and supervise the inspection in order to ensure the safekeeping of the records.
- D. Whenever possible, personnel shall direct an individual, who wishes to access case file information, to the public computer terminal or the court's website.



- E. Requests for the wholesale review of particular types of cases will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. The court is not required to develop special procedures for the convenience or benefit of persons requesting access and may specify the date, time and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior acceptable arrangements with the court.
- F. Unless otherwise approved by the administration of the court, any individual or agency that requests to access records via court's computer system and within the clerk's office, shall submit a written request to access the system. An agency shall submit a list of employees who will be accessing court records via the computer system. A criminal record inquiry will be conducted on any individual who accesses electronic court records. Individuals currently on probation or parole will not be authorized to gain access to the interior perimeter of the clerk's office to access court records.
- G. Requests from other courts or law enforcement agencies that do not have specific case numbers or case names will be researched by the Court and provided with the requested information at no charge and will not require a "copy request form."
- H. Court Records are not subject to Freedom of Information Act requests. MCL 15.232(b)(v) specifically exempts the judiciary from the Freedom of Information Act.

2. REQUESTS TO ACCESS CASE FILES/INFORMATION

- A. A request to access a case file will be accommodated within **two business** days unless the files are in storage. A request from a law enforcement agency or the media will be processed immediately, providing staff is available. In any event, the request should be processed by the end of the business day on which the request was made.



- B. A request to access case for a specified case file in storage will be accommodated within **five** business days.
- C. A request for access more than **five** specified case files will be accommodated within a reasonable amount of time depending on the total number of case files requested and the availability of Court staff.

3. NON PUBLIC CASE FILES/INFORMATION

- A. Case files are public unless specifically made not public by court rule, law or court order. Cases that have been dismissed by acquittal, nolle prosequi or after completion of a delayed sentence (MCL 771.1) are public records unless specifically made nonpublic by order of the court.
- B. Non-public case files include the following and shall not be provided to the public for inspection:
 - 1. Dismissals pursuant to the following deferral statutes:
 - a. Controlled Substance Act (MCL 333.7411) *
 - b. Spouse Abuse Act (MCL 769.4a) *
 - c. Holmes Youthful Trainee Act (MCL 762.14) **
 - d. Health Care Professional Practicing Under the Influence (MCL 750.430) *
 - e. Drug Treatment Court Act (MCL 600.1076) *
 - f. Minor in Possession of Alcohol (MCL 436.1703) ***
 - g. Parental Kidnapping [750.350a]*

Becomes non public upon

* Order of dismissal/discharge

** Order granting status

*** Order deferring proceedings

- 2. Cases where Conviction was Set Aside (MCL 780.623)
- 3. Files Suppressed by Order of the Court [MCR 8.119(f)]



- C. Requests to inspect/copy a nonpublic record shall be handled as follows: Personnel shall notify the interested person that “No public record exists.” No other information about the case shall be disclosed.

NOTE: Delayed Sentence cases, under MCL 771.1(2) are public records.

- D. Non-public case related information includes the following and shall not be provided to the public for inspection:
1. Mental health assessments & reports
 2. Substance Abuse/Alcohol Assessments
 3. All probation department files/records including presentence investigations
 4. Drug Court – Preadmission statements and screenings [MCL 600.1064(3)]
 5. Reports and records involving serious communicable diseases and HIV infection [MCL 333.5129(6); MCL 333.5131]
 6. LEIN inquiries (LEIN Administrative Rule, R 28.5208)
 7. Secretary of State driving records
 8. Documents suppressed by order of the court
 9. Attorney Grievance Commission requests
 10. Police Reports
 11. Victim Information [780.758]
 12. Juror Qualification and Personal History Questionnaire [MCL. 600.1315; MCR 2.510(C)]
 13. Juror Names (seated) [*In Re Juror Names*], 233 Mich App 604;
 14. Investigative Subpoenas [MCL 767A.2(5)]
 15. Insurance Code – all records involving proceedings for the supervision of an insurer transacting business in Michigan (MCL 500.8111)
 16. Testimony taken during a closed proceeding (MCL 712A.17; MCR 5.925(A)(2))
 17. Search warrants, including affidavits and tabulations, are not available for public inspection until 56 days have elapsed since the issuance of the warrant or until further order of the court.



18. Social Security Numbers – copies of documents that contain social security numbers shall not be provided to the public until the social security numbers is redacted. Documents that contain social security numbers do not have to be maintained separately from the court file.
19. Information obtained from the Judicial Data Warehouse
20. Case Evaluation, Mediation and/or Alternative Dispute Resolution (case notes and work product) [MCR 2.411C]

ALL NONPUBLIC CASE RELATED INFORMATION SHALL BE FILED IN AN ENVELOPE CLEARLY MARKED "CONFIDENTIAL"

- E. On a multiple count case where one count is nonpublic, the public has a right to inspect all pleadings/documents related to the public counts. Prior to inspection, any document/pleading/information directly related to the nonpublic count shall be removed from the file. If a document references both a nonpublic count and a public count, a copy of the document shall be made. Personnel shall use a black marker to conceal any information/reference to the nonpublic count.
4. DIGITAL RECORDS: If the court receives a request to produce a copy of the digital record (CD-ROM) of a court proceeding, the request shall be honored. The requestor shall identify by case name and number the proceeding(s) for which they would like a copy. The court shall make a copy of the digital record (CD-ROM) for only the proceedings requested.
5. COPIES and COSTS
 - A. Regular copy - \$1.00/page
Certified copy - \$10.00 fee + \$1.00/page
Digital Record (CD-ROM) Copy - \$20.00

The charge for microfilm or faxed copies shall be \$1.00/page. Any individual who requests that copies be sent through the mail shall be charged a \$2.00 administrative fee in addition to the copy fees.



State of Michigan
55th Judicial District Court

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DATE: 3/1/2011

SECTION: Records Management

POLICY NO: 3-1

SUBJECT: Inspection, Reproduction, and Creation of Court
Records

Any individual who requests that copies be sent via the fax machine shall be charged a \$5.00 administrative fee in addition to the copy fees. The Court will not bill for copies made. Payment must be made in advance or at the time of pick-up.

In order to preserve and maintain the integrity of Court records and to prevent unreasonable interference with the discharge of Court functions, persons will not be permitted to remove court records from the immediate area of the district court, nor copy or otherwise duplicate Court records using their own equipment.

CHIEF JUDGE

**STATE OF MICHIGAN
55th DISTRICT COURT**

COURT RECORD/COPY REQUEST

1. Date of Request: _____
2. Requested by: _____
Name

Address

Home telephone no. _____ Business telephone no. _____
3. Specify the complete case number and/or party name(s):
Case Number: _____
Party Name(s): _____ v _____
4. Nature of Request:
 Review Record. (Specify the type of record, such as case file, recording, etc.)

 Obtain Copies.
5. If copies are requested, list type of record to be copied:
 Complete case file (except for any nonpublic court records).
 Specific court record. (List documents, recordings, etc. Use an additional page if necessary.)

NOTE: Michigan law does not require that you place your name and address on this form. This information is requested to facilitate the processing of your request.

For Court Use Only

_____ copies x per record/page charge of \$ _____

Total charged: \$ _____

Processed by: _____ Date _____
Court Clerk



STATE OF MICHIGAN
55TH JUDICIAL DISTRICT COURT
700 BUHL AVENUE • MASON, MICHIGAN 48854
517-676-8400
www.ingham.org/dc

MEMORANDUM

TO: Persons Requesting General Record Checks

Please be advised that per 55th District Court Local Administrative Order 2009-4, a specific case number or the party names are required in order to provide the information you have requested.

If you do not have a specific case number or case name, the following options are available:

1. You may review available case information to assist you in identifying and selecting cases for inspection by visiting our website at www.ingham.org/dc or you can access our public terminal located at the court. Please note that this review may only provide information on current or recent court cases from this court.
2. A more complete record check may be requested by writing the appropriate state agency. Both the Michigan State Police and Department of State maintain computer information expressly for this purpose.
 - (a) To obtain a Criminal Record Check either contact the Michigan State Police, Central Records Division at (517) 241-0606 or go to the Michigan State Police Website at: www.michigan.gov/ichat to obtain information on how to use the Internet Criminal History Access Tool (ICHAT)
 - (b) To obtain a Driving (Traffic) Record contact the:

Michigan Department of State
Commercial Look-up Unit
7064 Crouner Drive
Lansing, Michigan 48918
Telephone: (517)322-1624

Once you receive complete record checks, you will be able to contact the appropriate police agency or court listed on the records to obtain case specific information.

The 55th District Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at (517) 676-8405.