

MICHIGAN STATE POLICE CRIMINAL JUSTICE INFORMATION CENTER	POLICY	NUMBER: CHS-P-01	
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SUBJECT: Internet Criminal History Access Tool (ICHAT) Policy

REVISED: 10/23/2019

REFERENCE: MCL 28.273

PURPOSE: Proper Usage of Fee-Waived and Invoiced Accounts

- 1) Customers shall be informed that all name searches of criminal history files will be processed using the Internet Criminal History Access Tool (ICHAT). The results of the searches will only be stored for seven days. It is the users' responsibility to retrieve the results; after the seventh day the search will have to be performed again.
- 2) New Customer qualifications:
  - a) Customers that do not have an agency code must have a Visa/MasterCard/Discover credit or debit card that can be used to make online payments.
  - b) Customers, such as the following types of businesses or corporations, may be required to pay the \$10.00 ICHAT fee:
    - For-profit hospital or health care providers
    - Adult foster care providers
    - For-profit child care providers
    - Employment screening providers
    - Apartment/housing providers
    - Service providers (e.g., maid service, taxi/chauffeur company, plumbing, lawn care/maintenance company, sub-contractor)
    - Private law offices
    - Private investigator, security guard, and burglar alarm companies
    - Any for-profit businesses not otherwise mentioned
  - c) MCL 28.273, paragraph 2, states that:

Until October 1, 2022, the department of state police may charge a fee of \$10.00 for processing and completing a name-based criminal record check. However, a fee shall not be charged under this subsection if a fee for processing the name-based criminal record check is charged under any other law or if the requester is a government agency or nonprofit charitable agency performing employment or volunteer employment name-based background checks through the internet criminal history access tool (ICHAT).

For ICHAT purposes "employment" shall be defined as any individual to whom the entity performing the search has hired staff or is considering hiring staff. "Volunteer employment" shall be defined as any individual who will be working in the entity's facility without compensation either from the entity itself or a third party.

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d) Per MCL 28.273, government agencies or nonprofit charitable agencies may receive the ICHAT service at no charge for employment or volunteer screening purposes; student internships may be considered volunteers. Other types of screening may require payment of the \$10.00 per search fee; see paragraph 5. The Michigan State Police (MSP), at its discretion, may make a special agreement with a government agency to waive ICHAT fees for specific governmental purposes, such as investigation into child welfare cases, criminal prosecutions, potential jury selection, witnesses, or for the purposes of expungement eligibility. Entities must provide a tax identification number and either a 501c3 letter from the IRS or a waiver of sales tax from the Michigan Department of Treasury to receive an agency code to waive the fees. The possession of a current 501c3 nonprofit status will be checked upon the creation of a new account, during the audit process, and whenever it is deemed necessary at: <https://www.irs.gov/Charities-&Non-Profits/Exempt-Organizations-Select-Check>.

These types of agencies include, but are not limited to:

- Youth Organizations (e.g., 4-H, Big Brothers/Big Sisters, Boys/Girls Club, Boy/Girl Scouts)
- Child welfare providers
- Churches and religious service organizations
- Non-profit hospitals
- Hospice providers
- Home care providers using volunteers
- Meals on Wheels
- State government agencies
- City governments
- Township governments
- County governments
- Federal government agencies
- Military recruiters
- Federal public defenders' offices
- State/county public defenders' offices
- Public school districts
- Public colleges and universities
- Charter schools
- Parochial schools
- Private colleges and universities

3) Agencies that qualify for fee-waived ICHATs must provide the following information before being issued an agency code:

- Company, governmental agency or organization name
- Full name of contact person

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- Telephone number of contact person
- Email address of contact person
- Street and mailing address
- Number of people who will be using ICHAT for the agency/organization
- Estimated number of ICHAT searches per year
- Federal Tax Identification number

4) Agencies requesting an agency account for billing purposes must provide the following information before being issued an agency code:

- Legal name of governmental agency, nonprofit organization, or private company
- Full name of contact person
- Federal Tax Identification number
- Street and mailing address
- Name and email address of primary contact person
- Telephone number of primary contact person
- Number of searches the agency plans on running during a calendar year
- Number of people who will be using ICHAT for the agency/organization
- If not a government agency but applying to waive the fees as provided in MCL 28.273 status, agency must provide documentation supporting their nonprofit status

5) Certain uses of ICHAT will require payment of the \$10.00 ICHAT fee. This applies equally to government agencies, schools, churches, nonprofit charitable organizations, and private for-profit companies. ICHAT accounts without an agency code will be automatically required to enter a credit/debit card number before they can access the results of their searches. The types of searches that may require payment include, but are not limited to:

- Housing applicants
- Students
- License applicants
- Vendors
- Patients
- Recipients of services
- Congregations
- Non-resident physicians
- Contractors
- Visitors to the organization's facilities (e.g., hospitals, schools, housing, etc.)
- Relatives of people already excluded (e.g., parents of students)

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- General public
- 6) ICHAT audits shall be performed on all entities with fee-waived usage, on a random basis. MSP reserves the right to audit any users based on system usage, or suspicion of possible misuse.
  - 7) All fee-waived ICHAT users must agree to the following statement when they submit any fee-waived ICHAT search:
    - a. I accept and understand that when submitting fee-waived search requests on this system it is for the purpose of screening potential employees and/or volunteers for a nonprofit organization, for a government agency, or per MSP agreement. By accepting this agreement our agency/organization is subject to audit by MSP staff. For audit purposes our agency/organization must maintain supporting documentation for six months after inquiry. Misuse of ICHAT could result in termination of our account.
  - 8) MSP will not ask fee-waived users for supporting documentation that is more than six months old.
  - 9) An agency shall be considered in compliance if sufficient documentation is provided that 90 percent or more of the searches selected for audit were performed in accordance with ICHAT policy.
  - 10) Agencies found to be out of compliance will be issued a corrective letter. The corrective letter will include the reason(s) why the agency was found out of compliance. Failure to respond to the corrective letter by the date specified will result in the agency's fee-waived access being disabled.
  - 11) If the agency has fee-waived access and continues to be noncompliant after submitting a corrective action letter, MSP reserves the right to audit any and all searches during the previous six-month period and to bill the agency for searches conducted outside of the ICHAT fee-waived guidelines. Per MSP Budget and Financial Services Division, the Michigan Cashiering and Accounts Receivable System will be used to create and send invoices to the agency.
  - 12) If the fee-waived access agency is found to have falsified their audit response, their fee-waived access may be disabled.