



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 6, 2022

MEMO

From: Jake Rollow, Chief External Affairs Officer

To: FOIA requestor

Thank you for your FOIA request.

We are waiving the exemption within the Freedom of Information Act for frank communications that are necessary to arrive at well-thought-out policy decisions. Although it is applicable, in this specific situation we do not believe it necessary to utilize.

Upon review of the attached file, I believe you will see that I mistakenly rushed what should have been a more deliberative process and failed to sufficiently brief Secretary Benson of the various ways to analyze the proposed policy change.

From: [Lehman, Laura \(MDOS\)](#)
To: [Wimmer, Tracy \(MDOS\)](#)
Subject: RE: Lyoya/Driver Record
Date: Thursday, April 14, 2022 9:33:07 AM

Will do; I've sent him the form I need him to fill out first as by law he will have to pay for the information. I have also in the past done lookups on this case for the Detroit Free Press and WOOD TV-8. I can get you a copy of the record if you like, just let me know.

Thanks!
Laura

From: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Sent: Thursday, April 14, 2022 9:25 AM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Subject: Fwd: Lyoya/Driver Record

Can you please look up? I still plan to do the responding still given the sensitivity of the topic.

From: White, Ed <EJWhite@ap.org>
Sent: Thursday, April 14, 2022 9:19:14 AM
To: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: Lyoya/Driver Record

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Tracy,

It looks like Patrick Lyoya, the man killed by police in Grand Rapids, was on probation for a 2020 incident of operating a vehicle while intoxicated, according to the MDOC.

What was the status of his driver's license?

Thank you.

Ed White
Associated Press
313-259-0650

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From: [Lehman, Laura \(MDOS\)](#)
To: [Wimmer, Tracy \(MDOS\)](#)
Subject: RE: Lyoya Record
Date: Thursday, April 14, 2022 10:49:15 AM

Done. Let me know what questions he has.

From: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Sent: Thursday, April 14, 2022 10:47 AM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Subject: Re: Lyoya Record

Please ask him to direct his questions on the records through me and you and I can discuss.

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Sent: Thursday, April 14, 2022 10:45:55 AM
To: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: FW: Lyoya Record

How would you like me to handle this? I want to be sure you're in the loop on everything, so I can set up a Teams call or similar.

From: White, Ed <EJWhite@ap.org>
Sent: Thursday, April 14, 2022 10:44 AM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Subject: Lyoya Record

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Laura,

Thank you.

Yes, I could use your help interpreting this.

Can you call me?

Ed White
AP
313-259-0650

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hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

From: [Smiley, Melissa \(MDOS\)](#)
To: [Brady, Mike \(MDOS\)](#); [Rollow, Jake \(MDOS\)](#); [Craine, Khyla \(MDOS\)](#)
Subject: FW: Lyoya release of information
Date: Thursday, April 14, 2022 4:14:37 PM

Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Smileym1@michigan.gov
C: 517.512.0996

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 1:57 PM
To: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: FW: Lyoya release of information

Hi all,

Based on requests we've received for the record of the recently killed motorist in Grand Rapids (see below), I would like to discuss what flexibility we have when receiving records requests from the media. I will send an invite for tomorrow when the most of us are available.

In the meanwhile, the/a section [of applicable law](#) that governs this seems to be this:

(I) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor [vehicle](#) or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Rollow, Jake (MDOS)
Sent: Thursday, April 14, 2022 1:48 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>

Subject: RE: Lyoya release of information

Thanks Laura. That's helpful background. But for now please direct other requests to MSP.

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Sent: Thursday, April 14, 2022 1:45 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Yes, WOOD TV8 was the first to ask before the name was associated publicly with the incident. The Associated Press is asking now and has a copy of the record, as is standard procedure as they are paying for the record as a news medium (approved usage). I'm not clear on the legalities of us refusing the information to a news organization, especially one that has an account with us, to be frank. Note that we are not in any way commenting on the investigation, all we're doing is interpreting the record.

We implemented the 'Secretary of State records show' years ago when we realized that if we didn't, the news organization was going to credit the person giving them the information (i.e. me in this case or Julie, or Fred in the past) by name, and this person was not an approved department spokesperson. Most situations didn't warrant a comment from an official department spokesperson.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 1:35 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

One last thing, have we provided the record to any other outlets?

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Rollow, Jake (MDOS)
Sent: Thursday, April 14, 2022 1:34 PM

To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>

Subject: RE: Lyoya release of information

Got it. Thank you, Laura. I'm going to revisit our procedure with others and will get back to you on possible changes.

In the meanwhile, as I said below, if other outlets ask for Lyoya's record or explanation of it (or other records related to this incident), please direct them to MSP.

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>

Sent: Thursday, April 14, 2022 1:11 PM

To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>

Subject: RE: Lyoya release of information

I spoke to Elisha Anderson to explain the record to her and confirmed that there was no one else in the state with that name. This was a standard request for interpretation of a driving record, something we do on a regular basis so they understand what they're reading. That cuts down substantially on reporting errors as these records can be hard to interpret. In addition, I always ask that they source their information to the Secretary of State's office or Secretary of State records, instead of to one person.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>

Sent: Thursday, April 14, 2022 12:13 PM

To: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>; Lehman, Laura (MDOS) <lehmanl@michigan.gov>

Subject: Lyoya release of information

Hi Tracy and Laura,

Can one of you share the conversation in which Freep requested and we provided the information that gave them this line in [their story](#)?

According to Secretary of State records, a person with the same name has a revoked driver's license.

I want to confirm if we provided the information and better understand the process by which we

did.

Also, if we have additional reporter requests for information related to Lyoya, I would like them to be directed to MSP, as they are conducting the investigation.

Thanks,
Jake

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: [VanAken, Dawn \(MDOS\)](#)
To: [Rollow, Jake \(MDOS\)](#)
Subject: RE: Driving record request
Date: Friday, April 15, 2022 8:13:41 AM
Attachments: [image001.png](#)

I've notified our entire Record Sales team.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 6:03 PM
To: VanAken, Dawn (MDOS) <VanAkenD@michigan.gov>; Wood, Lena (MDOS) <WoodL4@michigan.gov>; Sneed, Brooke (MDOS) <SneedB@michigan.gov>; Boss, Cindy (MDOS) <BossC@michigan.gov>; Casciotti, Barry (MDOS) <CasciottiB3@michigan.gov>; Harris, John (MDOS) <HarrisJ2@michigan.gov>
Cc: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Fwd: Driving record request

Hi all - please see below. If you receive a media or other request for information pertaining to Patrick Lyoya please do not respond and forward to me and Tracy (cc).

Thanks,
Jake

From: Craine, Khyla (MDOS) <CraineK@michigan.gov>
Sent: Thursday, April 14, 2022 5:37 PM
To: Rollow, Jake (MDOS); Smiley, Melissa (MDOS); Wimmer, Tracy (MDOS); Kiersnowski, Aneta (MDOS)
Subject: RE: Driving record request

Thanks Jake!

I would also let Dawn VanAken, Lena Wood (she is out but just for her understanding), Brooke Sneed from Record Look up; Cindy Boss or Barry Casciotti from Driver Record Activity Unit and John Harris from Records.

Khyla D. Craine
Deputy Legal Director
Michigan Department of State
Secretary of State Jocelyn Benson
CraineK@Michigan.gov
Mobile: 517-643-5669

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 5:20 PM
To: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS)

<CraineK@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>; Kiersnowski, Aneta (MDOS) <KiersnowskiA@michigan.gov>

Subject: Fwd: Driving record request

Hi all - I've sent the note below to Laura and Julie - who I believe specifically handle such media record lookups. Are there others in the department we should notify who media would go to directly?

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>

Sent: Thursday, April 14, 2022 5:13 PM

To: Lehman, Laura (MDOS); Wimmer, Tracy (MDOS); Pierce, Julie (MDOS)

Subject: Re: Driving record request

+ Julie

Thank you, Laura. Please continue to flag these for me and Tracy. Also please do not respond to any such inquiries - for Lyoya's info, record, photo, etc. - at this time. I did speak with legal, and will have further direction tomorrow.

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>

Sent: Thursday, April 14, 2022 3:15:36 PM

To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>

Subject: FW: Driving record request

As requested. I have not responded.

Thank you,
Laura

From: Hardy, Kevin <KHardy@detroitnews.com>

Sent: Thursday, April 14, 2022 3:14 PM

To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>

Subject: Driving record request

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--

Hi, Laura. Can you pull the driving record of Patrick Lyoya, 26.

--

Kevin J. Hardy

Managing Editor



160 W. Fort St., Detroit, MI, 48226

[\(313\) 222-2526](tel:3132222526), @kevinjhardy

From: [Craine, Khyla \(MDOS\)](#)
To: [Rollow, Jake \(MDOS\)](#); [Brady, Mike \(MDOS\)](#); [Smiley, Melissa \(MDOS\)](#)
Subject: RE: Draft Note and Statement on Personal Data
Date: Friday, April 15, 2022 9:44:05 AM
Attachments: [Practical Political Consulting v Secretary of State.pdf](#)
[Detroit Free Press Inc v Department of Consumer And Industry Services.pdf](#)
[Rataj v City of Romulus.pdf](#)

Mike,

Cases that I have reviewed/reviewing about this issue.

Khyla D. Craine
Deputy Legal Director
Michigan Department of State
Secretary of State Jocelyn Benson
CraineK@Michigan.gov
Mobile: 517-643-5669

From: Craine, Khyla (MDOS) <CraineK@michigan.gov>
Sent: Friday, April 15, 2022 7:41 AM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

That works for me.

Khyla D. Craine
Deputy Legal Director
Michigan Department of State
517-643-5669

Please excuse inadvertent typos.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Friday, April 15, 2022 7:30:45 AM
To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

Same, with a preference for 9:30.

From: Brady, Mike (MDOS) <BradyM@michigan.gov>
Sent: Friday, April 15, 2022 7:18:15 AM
To: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

Me too.

From: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Sent: Friday, April 15, 2022 5:34:10 AM
To: Craine, Khyla (MDOS) <CraineK@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

Yes I'm available anytime.

Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Cell: 517.512.0996
Smileym1@michigan.gov

From: Craine, Khyla (MDOS) <CraineK@michigan.gov>
Sent: Friday, April 15, 2022 3:38:05 AM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: RE: Draft Note and Statement on Personal Data

Before we submit this I have a more nuanced answer, after reviewing both federal and state laws again. Are we available for a meeting this morning.

Khyla D. Craine
Deputy Legal Director
Michigan Department of State
Secretary of State Jocelyn Benson
CraineK@Michigan.gov
Mobile: 517-643-5669

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 10:23 PM
To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

I also like the edits. Per Melissa's suggestion, what if we opened like this:

The Michigan Department of State condemns the killing of Patrick Lyoya, and will no longer provide the driving record and personal information of Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer.
Additionally...

From: Brady, Mike (MDOS) <BradyM@michigan.gov>
Sent: Thursday, April 14, 2022 6:49:33 PM
To: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

I also like Khyla's edits.

From: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Sent: Thursday, April 14, 2022 6:13:50 PM
To: Craine, Khyla (MDOS) <CraineK@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

I like Khyla's edits. I also think the statement should start out with a sentence that acknowledges our feelings about what happened in Grand Rapids. I don't know the right way to say it. But many other people have released similar statements.

Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Cell: 517.512.0996
Smileym1@michigan.gov

From: Craine, Khyla (MDOS) <CraineK@michigan.gov>
Sent: Thursday, April 14, 2022 5:47:35 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: RE: Draft Note and Statement on Personal Data

My edits below:

re: commentary on the Legislature. I think we should just call on them to fix it—as edited below.

Khyla D. Craine
Deputy Legal Director
Michigan Department of State
Secretary of State Jocelyn Benson
CraineK@Michigan.gov
Mobile: 517-643-5669

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 5:08 PM
To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: Draft Note and Statement on Personal Data

Team – for your review:

Hi Jocelyn,

Media are requesting the driving record of Patrick Lyoya, the man killed by Grand Rapids PD, which shows that his license had been revoked. Staff on my team provided the record to three outlets before those of us on this email became aware and realized this was bad practice, as the mention of revocation is not the reason Lyoya was stopped, nor does it justify him being killed, as one might insinuate from the inclusion of the detail in the story.

The law that allows us to sell such driver data is overly broad, and should be revised. However, it also gives us the discretion not to provide data, and we are considering exercising that discretion with all media who ask us for Lyoya's record, or any other victim of violence. Simultaneously, we could consider announcing our review of the process by which we provide data, and eventually exercising the discretion not to sell data to other entities (such as businesses that recent reporting shows are using it to enforce what seem to be illegal parking tickets).

With this in mind, I'm providing a statement below, that could go out from staff, and that we could provide to media asking for Lyoya's driving record:

"The Michigan Department of State will no longer provide the driving record and personal information of Patrick Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer. Additionally, the department will continue ongoing review **and revision** of the policies by which it provides the personal information of any Michigan resident to third parties. As we have stated previously, current Michigan law is very broad, **and we** believe the Legislature should **strengthen** the law to demonstrate that they value the privacy of Michiganders over corporate profits. **In** the absence of their action, we will continue our own review."

~~and instead of changing this law to better protect people's personal information, the state Legislature is currently considering legislation to make it even cheaper for companies to acquire more data from the department.~~

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: [Brady, Mike \(MDOS\)](#)
To: [Smiley, Melissa \(MDOS\)](#); [Craine, Khyla \(MDOS\)](#); [Rollow, Jake \(MDOS\)](#)
Subject: RE: Draft Note and Statement on Personal Data
Date: Friday, April 15, 2022 11:11:17 AM

I'm good with this.

Michael J. Brady, *Chief Legal Director* (he/his)
Secretary of State Jocelyn Benson
Michigan Department of State
mobile: 517.599.7343

From: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Sent: Friday, April 15, 2022 11:06 AM
To: Craine, Khyla (MDOS) <CraineK@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>
Subject: RE: Draft Note and Statement on Personal Data

agreed

Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Smileym1@michigan.gov
C: 517.512.0996

From: Craine, Khyla (MDOS) <CraineK@michigan.gov>
Sent: Friday, April 15, 2022 10:45 AM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: RE: Draft Note and Statement on Personal Data

Looks good to me, Jake. Slight nits.

Khyla D. Craine
Deputy Legal Director
Michigan Department of State
Secretary of State Jocelyn Benson
CraineK@Michigan.gov
Mobile: 517-643-5669

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Friday, April 15, 2022 10:24 AM
To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: RE: Draft Note and Statement on Personal Data

Here's a revision. In addition to adding line about FOIA and lawsuit, I've specified that the current request is from the Detroit News.

Hi Jocelyn,

The Detroit News has a pending request for the driving record of Patrick Lyoya, the man killed by Grand Rapids PD, which shows that his license had been revoked. Staff on my team provided the record to three outlets before those of us on this email became aware and realized this was bad practice, as the mention of revocation is not the reason Lyoya was stopped, nor does it justify him being killed, as one might insinuate from the inclusion of the detail in the story.

The law that allows us to sell such driver data is overly broad, and should be revised. However, it also gives us the discretion not to provide data, and we are considering exercising that discretion with all media who ask us for Lyoya's record, or any other victim of violence. Simultaneously, we could consider announcing our review of the process by which we provide data, and eventually exercising the discretion not to sell data to other entities (such as businesses that recent reporting shows are using it to enforce what seem to be illegal parking tickets).

It is possible that the Detroit News and/or other outlets would then request the record through FOIA, which we would deny, and then by lawsuit, which we believe we could win (although it is not a slam dunk).

With all this in mind, I'm providing a statement below for your consideration, that we could release proactively and provide to the News and other media who ask for Lyoya's driving record:

"The Michigan Department of State condemns the killing of Patrick Lyoya. **Moreover, the Department** will no longer provide the driving record and personal information of **Mr.** Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided **Mr.** Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer. Additionally, the department will continue ongoing review and revision of the policies by which it provides the personal information of any Michigan resident to third parties. As we have stated previously, current Michigan law is very broad, and we believe the Legislature should strengthen the law to demonstrate that they value the privacy of Michiganders over corporate profits. In the absence of their action, we will continue our own review."

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
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RollowJ@Michigan.gov
Cell: 517-230-7983

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
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To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Re: Draft Note and Statement on Personal Data

I also like the edits. Per Melissa's suggestion, what if we opened like this:

The Michigan Department of State condemns the killing of Patrick Lyoya, and will no longer provide the driving record and personal information of Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer.

Additionally...

From: Brady, Mike (MDOS) <BradyM@michigan.gov>
Sent: Thursday, April 14, 2022 6:49:33 PM
To: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>
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Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Cell: 517.512.0996
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From: Craine, Khyla (MDOS) <CraineK@michigan.gov>
Sent: Thursday, April 14, 2022 5:47:35 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: RE: Draft Note and Statement on Personal Data

My edits below:

re: commentary on the Legislature. I think we should just call on them to fix it—as edited below.

Khyla D. Craine

Deputy Legal Director

Michigan Department of State

Secretary of State Jocelyn Benson

CraineK@Michigan.gov

Mobile: 517-643-5669

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>

Sent: Thursday, April 14, 2022 5:08 PM

To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>

Subject: Draft Note and Statement on Personal Data

Team – for your review:

Hi Jocelyn,

Media are requesting the driving record of Patrick Lyoya, the man killed by Grand Rapids PD, which shows that his license had been revoked. Staff on my team provided the record to three outlets before those of us on this email became aware and realized this was bad practice, as the mention of revocation is not the reason Lyoya was stopped, nor does it justify him being killed, as one might insinuate from the inclusion of the detail in the story.

The law that allows us to sell such driver data is overly broad, and should be revised. However, it also gives us the discretion not to provide data, and we are considering exercising that discretion with all media who ask us for Lyoya's record, or any other victim of violence. Simultaneously, we could consider announcing our review of the process by which we provide data, and eventually exercising the discretion not to sell data to other entities (such as businesses that recent reporting shows are using it to enforce what seem to be illegal parking tickets).

With this in mind, I'm providing a statement below, that could go out from staff, and that we could provide to media asking for Lyoya's driving record:

"The Michigan Department of State will no longer provide the driving record and personal information of Patrick Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer.

Additionally, the department will continue ongoing review **and revision** of the policies by which it provides the personal information of any Michigan resident to third parties. As we have stated previously, current Michigan law is very broad, **and we** believe the Legislature should **strengthen** the

law to demonstrate that they value the privacy of Michiganders over corporate profits. In the absence of their action, we will continue our own review.”

~~and instead of changing this law to better protect people’s personal information, the state Legislature is currently considering legislation to make it even cheaper for companies to acquire more data from the department.~~

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: [Benson, Jocelyn \(MDOS\)](#)
To: [Rollow, Jake \(MDOS\)](#)
Cc: [Brady, Mike \(MDOS\)](#); [Smiley, Melissa \(MDOS\)](#); [Craine, Khyla \(MDOS\)](#)
Subject: Re: Position and Statement for your Consideration
Date: Friday, April 15, 2022 1:03:24 PM

This all makes sense to me. Thanks Jake.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Friday, April 15, 2022 11:33:54 AM
To: Benson, Jocelyn (MDOS) <BensonJ4@michigan.gov>
Cc: Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Position and Statement for your Consideration

Hi Jocelyn,

The Detroit News has a pending request for the driving record of Patrick Lyoya, the man killed by Grand Rapids PD, which shows that his license had been revoked. Staff on my team provided the record to three outlets before those of us on this email became aware and realized this was bad practice, as the mention of revocation is not the reason Lyoya was stopped, nor does it justify him being killed, as one might insinuate from the inclusion of the detail in the story.

The law that allows us to sell such driver data is overly broad, and should be revised. However, it also gives us the discretion not to provide data, and we are considering exercising that discretion with all media who ask us for Lyoya's record, or the record of any other victim of violence. Simultaneously, we could consider announcing our review of the process by which we provide data, and eventually exercising the discretion not to sell data to other entities (such as businesses that recent reporting shows are using it to enforce what seem to be illegal parking tickets).

It is possible that the Detroit News and/or other outlets would then request the record through FOIA, which we would deny, and then by lawsuit, which we believe we could win (although it is not a slam dunk).

With all this in mind, I'm providing a statement below for your consideration that we could release proactively and provide to the News and other media who ask for Lyoya's driving record:

"The Michigan Department of State condemns the killing of Patrick Lyoya. Moreover, the Department will no longer provide the driving record and personal information of Mr. Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided Mr. Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer. Additionally, the department will continue ongoing review and revision of the policies by which it provides the personal information of any Michigan resident to third parties. As we have stated previously, current Michigan law is very broad, and we believe the Legislature should strengthen the law to demonstrate that they value the privacy of Michiganders over corporate profits. In the

absence of their action, we will continue our own review.”

Jake Rollow

Chief External Affairs Officer

Secretary of State Jocelyn Benson

Michigan Department of State

RollowJ@Michigan.gov

Cell: 517-230-7983

From: [Brady, Mike \(MDOS\)](#)
To: [Smiley, Melissa \(MDOS\)](#); [Rollow, Jake \(MDOS\)](#); [Craine, Khyla \(MDOS\)](#)
Subject: Re: NEWS RELEASE: Statement on the killing of Patrick Lyoya and denial of further requests for his personal information and that of other victims of violence: TEST
Date: Friday, April 15, 2022 2:14:46 PM

Fine w that.

From: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Sent: Friday, April 15, 2022 1:55:32 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: RE: NEWS RELEASE: Statement on the killing of Patrick Lyoya and denial of further requests for his personal information and that of other victims of violence: TEST

I agree with dropping unfortunately.

Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Smileym1@michigan.gov
C: 517.512.0996

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Friday, April 15, 2022 1:54 PM
To: Brady, Mike (MDOS) <BradyM@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: FW: NEWS RELEASE: Statement on the killing of Patrick Lyoya and denial of further requests for his personal information and that of other victims of violence: TEST

Hi all – final draft below. I am considering removing the word “unfortunately” and just starting that sentence with “The department...”

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Kiersnowski, Aneta (MDOS) <KiersnowskiA@michigan.gov>
Sent: Friday, April 15, 2022 1:46 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Subject: FW: NEWS RELEASE: Statement on the killing of Patrick Lyoya and denial of further requests for his personal information and that of other victims of violence: TEST

Test with changes.

Aneta Kiersnowski Crisp
Press Secretary
Secretary of State Jocelyn Benson
Michigan Department of State
KiersnowskiA@Michigan.gov

Cell: 517-342-4592

From: Michigan Secretary of State <MISOS@govsubscriptions.michigan.gov>

Sent: Friday, April 15, 2022 1:45 PM

To: Kiersnowski, Aneta (MDOS) <KiersnowskiA@michigan.gov>

Subject: NEWS RELEASE: Statement on the killing of Patrick Lyoya and denial of further requests for his personal information and that of other victims of violence: TEST

Department banner



FOR IMMEDIATE RELEASE

April 15, 2022

Contact: Tracy Wimmer

(517) 281-1876

**Statement on the killing of Patrick Lyoya and denial of further requests
for his personal information and that of other victims of violence**

"The Michigan Department of State condemns the killing of Patrick Lyoya. Moreover, the Department will no longer provide the driving record and personal information of Mr. Lyoya to the media, nor will it provide to media such records and information of other victims of violence. **Unfortunately,** the department provided Mr. Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer.

Additionally, the department will continue ongoing review and revision of the policies by which it provides the personal information of any Michigan resident to third parties. As we have stated previously, current Michigan law is very broad, and we believe the state Legislature should strengthen the law to demonstrate that they value the privacy of Michiganders over corporate profits. In the absence of legislative action, we will continue our own review."

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From: [Benson, Jocelyn \(MDOS\)](#)
To: [Rollow, Jake \(MDOS\)](#)
Cc: [Brady, Mike \(MDOS\)](#); [Smiley, Melissa \(MDOS\)](#); [Craine, Khyla \(MDOS\)](#)
Subject: Re: Position and Statement for your Consideration
Date: Friday, April 15, 2022 8:10:27 PM

Mike, Jake, Melissa, Khyla,

The entire first paragraph of this statement should not have been released. While we as individuals or I as a public leader may have my position and issue such a condemnation, it is not the role of the department to take a position on a matter that is the subject of an ongoing investigation. Similarly, in my view it is not appropriate for the department to subjectively release driving records to some media outlets and then refuse to do so for others because we disagree with how the information is being reported. We must have one single, objective policy that we all follow and that is clear to the public and to the press.

Unfortunately in my view the above statement significantly harms the credibility of a department that values being nonpartisan, transparent, and above the political fray. It is appropriate to say we will review our policies of releasing data to ensure they strike a balance between transparency and protecting the privacy of Michigan residents.

Jocelyn

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Friday, April 15, 2022 11:33:54 AM
To: Benson, Jocelyn (MDOS) <BensonJ4@michigan.gov>
Cc: Brady, Mike (MDOS) <BradyM@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Position and Statement for your Consideration

Hi Jocelyn,

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The law that allows us to sell such driver data is overly broad, and should be revised. However, it also gives us the discretion not to provide data, and we are considering exercising that discretion with all media who ask us for Lyoya's record, or the record of any other victim of violence. Simultaneously, we could consider announcing our review of the process by which we provide data, and eventually exercising the discretion not to sell data to other entities (such as businesses that recent reporting shows are using it to enforce what seem to be illegal parking tickets).

It is possible that the Detroit News and/or other outlets would then request the record through

FOIA, which we would deny, and then by lawsuit, which we believe we could win (although it is not a slam dunk).

With all this in mind, I'm providing a statement below for your consideration that we could release proactively and provide to the News and other media who ask for Lyoya's driving record:

"The Michigan Department of State condemns the killing of Patrick Lyoya. Moreover, the Department will no longer provide the driving record and personal information of Mr. Lyoya to the media, nor will it provide to media such records and information of other victims of violence. Unfortunately, the department provided Mr. Lyoya's record to three media outlets before recognizing that it was being included as an irrelevant detail that wrongly suggests he is culpable for being shot in the back of the head by a Grand Rapids police officer. Additionally, the department will continue ongoing review and revision of the policies by which it provides the personal information of any Michigan resident to third parties. As we have stated previously, current Michigan law is very broad, and we believe the Legislature should strengthen the law to demonstrate that they value the privacy of Michiganders over corporate profits. In the absence of their action, we will continue our own review."

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: [Lehman, Laura \(MDOS\)](#)
To: [Rollow, Jake \(MDOS\)](#); [Wimmer, Tracy \(MDOS\)](#)
Cc: [Doyal, Katie \(MDOS\)](#)
Subject: RE: Lyoya release of information
Date: Saturday, April 16, 2022 8:54:53 AM

Absolutely. At around 8:20 a.m. on Monday, April 6, I received the lookup request for Patrick Lyoya from Susan Samples at WOOD TV8. At that time, while I was aware there had been a shooting – I often check Twitter during the day for breaking news - I was not aware it was an officer-involved shooting. Even if it had been clear to me at that time that it was an officer-involved shooting, to my knowledge and recollection not all details had been released and an officer-involved shooting would not necessarily be so controversial as to require an alert, at least until more information was available. By the time it became controversial, earlier this week when the video was released, WOOD had had this information for over a week and that's when the Detroit Free Press asked for the record.

I did not bring the matter to anyone's attention at the point the video was released because of the time elapsed and the fact that our providing the driving record for an individual is in no way a comment from this department on the situation the individual was in that spurred the request. Any interpretation of the validity of police action or victim behavior by the media falls on the reporter. I am merely there to provide – and if necessary, explain – the facts and terminology associated with the record in question, as the media is entitled to this information by law. This offer of explanation also has a goal of making sure the media is not misreporting facts of the situation, which could reflect badly on our department. Can the media get this information through other sources and cut us out of the process? Possibly. At that point we lose all ability to make sure the reporter fully understands what they're reading until after publication, and, on a lesser point, we lose a source of revenue.

Standard practice is to provide the record to the press team when the person in question is a public figure, as I have been doing (see Rep. Mary Cavanagh); at any time I am happy to provide any information on any lookup to any person on our team should they ask. No concern appeared evident until the Detroit Free Press published its story. I have since sent the record to Tracy as requested.

In making her request, Susan noted that this request pertained to public safety, indicating that even though she did not specify details, she was aware of the parameters of the agreement signed by WOOD TV8 in regards to lookups, putting the onus on her; I did not press her for more information. I have asked reporters to provide a reason for their lookups; they usually provide the information in the initial email, which is saved to CARS as a PDF, part of the lookup record. Other times I've added it as a case note. However, as previously discussed, the onus remains on the reporter for having the permissible reason for asking for the record. If they obtain information on false pretenses, the repercussions land on them.

Standard practice has also been to attribute the information to 'Secretary of State records' instead of to me. This attribution happens multiple times a year, as you saw with the WJBK video of Rob Wolchek. All reporters are aware that any official statement from this office must come from an authorized spokesperson, which I am not.

Please advise if I am to continue lookups in the regular manner come Monday; I will be certain to ask every reporter for a detailed reason for their request beyond 'public safety'. Per Tracy I am providing the record to the Detroit News and WXYZ this morning.

Thank you!
Laura

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Friday, April 15, 2022 3:51 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Hi Laura,

I know you are out today, and I do not expect you to respond to this note today or over the weekend. I am sending it now because we have just released our statement on this issue, and I want to close the loop.

It's my understanding that Tracy has asked you to get a sense why reporters want the records they ask for before providing them and, depending on the reason and it's potential to be controversial, to flag them for Tracy to weigh in. With that in mind, I want to know more about the circumstances of your initial provision of the record. You said that the name was not yet associated with the Grand Rapids killing. Please tell me what context the reporter did provide and if/why you thought it was sufficient to move forward without flagging for Tracy, or if that was a mistake.

Thanks,
Jake

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Sent: Thursday, April 14, 2022 2:32 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Will do. I have updated Julie as she is in tomorrow and would be handling lookups, but I will be

available by phone tomorrow for any questions.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 2:22 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

I'm speaking with legal later today. If you get additional requests, please just let me and Tracy know and don't provide the information yet.

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Sent: Thursday, April 14, 2022 1:52 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Do you have a specific contact at MSP? That would be very helpful. I will be out tomorrow so I will share this with Julie.

Thank you!

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 1:48 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Thanks Laura. That's helpful background. But for now please direct other requests to MSP.

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>

Sent: Thursday, April 14, 2022 1:45 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Yes, WOOD TV8 was the first to ask before the name was associated publicly with the incident. The Associated Press is asking now and has a copy of the record, as is standard procedure as they are paying for the record as a news medium (approved usage). I'm not clear on the legalities of us refusing the information to a news organization, especially one that has an account with us, to be frank. Note that we are not in any way commenting on the investigation, all we're doing is interpreting the record.

We implemented the 'Secretary of State records show' years ago when we realized that if we didn't, the news organization was going to credit the person giving them the information (i.e. me in this case or Julie, or Fred in the past) by name, and this person was not an approved department spokesperson. Most situations didn't warrant a comment from an official department spokesperson.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 1:35 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

One last thing, have we provided the record to any other outlets?

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Rollow, Jake (MDOS)
Sent: Thursday, April 14, 2022 1:34 PM
To: Lehman, Laura (MDOS) <lehmanl@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

Got it. Thank you, Laura. I'm going to revisit our procedure with others and will get back to you on possible changes.

In the meanwhile, as I said below, if other outlets ask for Lyoya's record or explanation of it (or other records related to this incident), please direct them to MSP.

Jake Rollow

Chief External Affairs Officer
Secretary of State Jocelyn Benson
Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Sent: Thursday, April 14, 2022 1:11 PM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>
Subject: RE: Lyoya release of information

I spoke to Elisha Anderson to explain the record to her and confirmed that there was no one else in the state with that name. This was a standard request for interpretation of a driving record, something we do on a regular basis so they understand what they're reading. That cuts down substantially on reporting errors as these records can be hard to interpret. In addition, I always ask that they source their information to the Secretary of State's office or Secretary of State records, instead of to one person.

From: Rollow, Jake (MDOS) <RollowJ@michigan.gov>
Sent: Thursday, April 14, 2022 12:13 PM
To: Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>; Lehman, Laura (MDOS) <lehmanl@michigan.gov>
Subject: Lyoya release of information

Hi Tracy and Laura,

Can one of you share the conversation in which Freep requested and we provided the information that gave them this line in [their story](#)?

According to Secretary of State records, a person with the same name has a revoked driver's license.

I want to confirm if we provided the information and better understand the process by which we did.

Also, if we have additional reporter requests for information related to Lyoya, I would like them to be directed to MSP, as they are conducting the investigation.

Thanks,
Jake

Jake Rollow
Chief External Affairs Officer
Secretary of State Jocelyn Benson

Michigan Department of State
RollowJ@Michigan.gov
Cell: 517-230-7983

From: [Smiley, Melissa \(MDOS\)](#)
To: [Sawyer, Jennette \(MDOS\)](#)
Subject: Re: Breakdown in protocol around MDOS statement on drivers records
Date: Saturday, April 16, 2022 4:59:57 PM

Thanks. If possible, I think Monday would be better.

Melissa J. Smiley, PhD
Chief of Staff
Michigan Department of State
Cell: 517.512.0996
Smileym1@michigan.gov

From: Sawyer, Jennette (MDOS) <SawyerJ@michigan.gov>
Sent: Saturday, April 16, 2022 4:55:08 PM
To: Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>
Subject: Fwd: Breakdown in protocol around MDOS statement on drivers records

Will look at schedules...

Jennette Sawyer
*Senior Executive Management Assistant
to Secretary of State Jocelyn Benson*
Michigan Department of State
Direct: [517-335-2436](tel:517-335-2436)
Cell: [517-599-4997](tel:517-599-4997)

From: Benson, Jocelyn (MDOS) <BensonJ4@michigan.gov>
Sent: Saturday, April 16, 2022 1:12 PM
To: Sawyer, Jennette (MDOS)
Subject: Fwd: Breakdown in protocol around MDOS statement on drivers records

See below - can you schedule this and ensure each person on the email attends in person?
Let's schedule this in the Detroit office. I am available anytime on Monday or Tuesday and will reschedule everything around this meeting. Thanks!

From: Benson, Jocelyn (MDOS) <BensonJ4@michigan.gov>
Sent: Saturday, April 16, 2022 11:06:05 AM
To: Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Wimmer, Tracy (MDOS) <WimmerT@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>; Craine, Khyla (MDOS) <CraineK@michigan.gov>
Subject: Breakdown in protocol around MDOS statement on drivers records

Team:

I'm asking Jennette to schedule a mandatory in person meeting on Monday or Tuesday of this coming week to discuss the breakdown in procedures and protocol that led to yesterday's unfortunate and wholly avoidable series of events regarding the department policy of release

of drivers records. Each of you are required to attend.

You are all a collection of brilliant, thoughtful and well intentioned people of integrity who are a part of this team for a reason. I have no doubt that each step that was taken yesterday was done with the best intentions in mind and with an eye towards doing the right thing and furthering truth, equity and justice. However errors in judgment and mistakes were made and we need to discuss them as a team to ensure we are aligned moving forward in this challenging time and that errors like this do not happen again.

I look forward to seeing you this week to discuss further. Have a good and restful weekend.

Jocelyn

From: [Benson, Jocelyn \(MDOS\)](#)
To: [Schor, Erin \(MDOS\)](#)
Cc: [Sawyer, Jennette \(MDOS\)](#); [Smiley, Melissa \(MDOS\)](#); [Rollow, Jake \(MDOS\)](#); [Brady, Mike \(MDOS\)](#)
Subject: Re: Request for Meeting with Press Groups
Date: Tuesday, April 19, 2022 4:54:07 PM

Yes would love this. Let's definitely do it. A great opportunity for us all to discuss an aligned path forward that balances all needs.

From: Schor, Erin (MDOS) <SchorE@michigan.gov>
Sent: Tuesday, April 19, 2022 4:16:11 PM
To: Benson, Jocelyn (MDOS) <BensonJ4@michigan.gov>
Cc: Sawyer, Jennette (MDOS) <SawyerJ@michigan.gov>; Smiley, Melissa (MDOS) <SmileyM1@michigan.gov>; Rollow, Jake (MDOS) <RollowJ@michigan.gov>; Brady, Mike (MDOS) <BradyM@michigan.gov>
Subject: Request for Meeting with Press Groups

Good afternoon Secretary,

In response to last week's events, I received the attached letter from the Michigan Association of Broadcasters, Michigan Press Association, and Radio Television Digital News Association, seeking to meet with you and any other appropriate members of the team as the Department considers potential changes to current policy on sharing records. I appreciate your direction as to how you would like to proceed.

Erin

Erin Schor
Legislative Policy Director
Michigan Department of State
Secretary of State Jocelyn Benson
C: 517-290-4310

The Honorable Jocelyn Benson
Michigan Secretary of State
430 W. Allegan St.
Richard H. Austin Building
4th Floor
Lansing, MI 48918

Dear Secretary Benson:

Michiganders and the Grand Rapids community are working to heal in the wake of the death of Patrick Lyoya.

While journalists and news outlets work to gather more details to provide the public with the most accurate information possible, the Michigan Association of Broadcasters (MAB), Michigan Press Association (MPA), and Radio Television Digital News Association (RTDNA) are concerned about the Department of State's recent statements about potentially blocking access to records and other information not just in this incident, but any moving forward.

The Associations are encouraged to hear updated comments that no change in policy is planned at this time but are troubled about what may happen in the future and welcome the opportunity to sit down with Secretary Benson and lawmakers to work on legislation and policies that ensure more transparency.

Transparency across the board by government officials in a tragic situation like this is crucial to keeping the public informed. Every day, journalists serve the people of Michigan by seeking information, then making responsible, ethical decisions about news coverage. Conversely, a state agency denying access to information sets a dangerous precedent. Openness and transparency are core principals of government at the local, state, and federal level and preventing them hinders accountability and citizen engagement.

While shocked and saddened by the death of Patrick Lyoya and the events in Grand Rapids, we're against using that tragedy to curtail the rights of the media and of all Michiganders to public information.

The MAB, MPA, and RTDNA invite Secretary Benson to a joint meeting to discuss current policies and to collaborate on legislation to enhance transparency and responsible reporting.



Sam Klemet
President and CEO
Michigan Association of Broadcasters



Dan Shelley
Executive Director and Chief Operating Officer
Radio Television Digital News Association



Lisa McGraw
Public Affairs Manager
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