

POLICIES REGARDING
ACCESS TO AND USE OF
INFORMATION FROM THE
LAW ENFORCEMENT INFORMATION NETWORK (LEIN)
APRIL 1, 2001
LEGISLATIVE REPORT

BACKGROUND

The Michigan Law Enforcement Information Network (LEIN) is a computerized information system operational twenty-four hours per day, seven days per week and is restricted to authorized criminal justice agencies. The enabling legislation that authorizes LEIN is Act 263 of the Public Acts of 1966. The [LEIN Policy Council](#), Act 163 of the Public Acts of 1974, being 28.211 et seq. of the Michigan Compiled Laws, was established to oversee policy and promulgate rules regarding the operational procedures to be followed by agencies using LEIN; review applications for network terminals and approve or disapprove the applications; and establish minimum standards for terminal sites and installation. In 1998, [Executive Order 1998-1](#) combined the LEIN and [Automated Fingerprint Identification System \(AFIS\)](#) Policy Councils into the Criminal Justice Information Systems (CJIS) Policy Council.

The CJIS Policy Council oversees the operation of LEIN. All applications for access to LEIN are reviewed and approved through the Council. Criminal Justice agencies are assigned Originating Agency Identification Numbers (ORI) which track all inquiries into LEIN and NCIC. Without an ORI an agency cannot access the LEIN or NCIC files.

Over the past 33 years, LEIN has proved to be a fine system; providing vast pools of information to the criminal justice community in the state and nation. LEIN access has expanded from a limited group of law enforcement agencies to all criminal justice agencies in Michigan. Many courts use LEIN to directly enter and cancel wanted persons records in a timely manner, as well as enter dispositions on Criminal History Records.

LEIN ACCESS

Criminal justice agencies are allowed LEIN access in the performance of criminal justice duties. In addition, the LEIN Administrative Rules allow LEIN access to nongovernmental agencies which are statutorily vested with arrest powers and are engaged primarily in the administration of criminal justice. Furthermore, LEIN access is allowed for specific functions.

LEIN ACCESS AND USE BY AGENCY

The following agencies are allowed access to LEIN; some have restricted or limited access to LEIN and/or various interfaces while others have full LEIN access.

1. ANIMAL CONTROL OFFICER - UNDER LAW ENFORCEMENT

The Animal Control Officer is allowed access only when under the direct jurisdiction and control of a law enforcement agency.

2. CRIMINAL JUSTICE AGENCIES

- Correctional Institutions
- Courts (Criminal Divisions only)
- Governmental Law Enforcement Agencies
- Pre-trial Service Agencies

- Probation and Parole Agencies
- Prosecutors

3. FRIEND OF THE COURT

The Friend of the Court is allowed access when the requester is deputized by the Sheriff's Department. In addition, the LEIN Policy Council Act, MCL 28.214, Section 4 (1) has been amended to allow access to the Friend of the Court for the enforcement of child support programs, and reads as follows:

- (i) Ensure access to locator information obtained through the law enforcement information network by state and federal agencies and the friend of the court for enforcement of child support programs as provided under state and federal law.

4. FIRE DEPARTMENTS

Pursuant to the LEIN Policy Council Act, as amended, and effective December 22, 1998, access to LEIN is allowed for an organized fire department chief or his or her designee for the purposes of:

- Preemployment background checks including
 - a) Michigan Criminal History Record, convictions only
 - b) Michigan driving record
- Michigan vehicle registration information only for vehicles involved in a fire or hazardous materials incident.

5. MICHIGAN DEPARTMENT OF COMMUNITY HEALTH - SUBSTANCE ABUSE OFFICE

The Office of Substance Abuse Services, Michigan Department of Community Health, may access LEIN as part of a screening and assessment process, mandated by the Michigan Drunk Driving Law (SB 702), only if the assessing agency is a criminal justice agency (such as a Court Probation Office).

6. MICHIGAN DEPARTMENT OF NATURAL RESOURCES (DNR) - PARK OFFICERS

State Park Officers, pursuant to Act 268, P.A. 1982, may receive LEIN access. However, Criminal History Records and LEIN record entries must be made through the DNR District Headquarters, Law Enforcement Division.

7. MICHIGAN DNR - LAW ENFORCEMENT DIVISION

The Law Enforcement Division of the Michigan Department of Natural Resources is a criminal justice agency and is allowed full LEIN access.

8. MICHIGAN EMPLOYMENT SECURITY COMMISSION (MESC) - INVESTIGATION SECTION

The Investigation Section of the Michigan Employment Security Commission (MESC), Michigan Department of Consumer and Industry Services, is a criminal justice agency and is allowed full LEIN access. However, all other sections/offices of the MESC are not criminal justice agencies.

9. MICHIGAN FAMILY INDEPENDENCE AGENCY (FIA)

A. OFFICE OF INSPECTOR GENERAL

The Office of the Inspector General, Michigan Family Independence Agency (FIA) is a criminal justice agency and is allowed full LEIN access.

B. FAMILY SERVICES ADMINISTRATION

The Governor's Executive Order 1990-10 authorizes certain individuals within the Family Services Administration of the Michigan Family Independence Agency (FIA) to access Michigan-only, conviction and non-conviction Criminal History Record (CHR) information.

These persons include:

- Authorized persons within the FIA who are responsible for the licensing and regulation of child or adult care homes, facilities or institutions.
- Authorized persons with the FIA who are responsible for the protection, care, or placement of children in the custody of the court or the state.

In addition, the LEIN Policy Council Act, MCL 28.214, Section 4 (1) has been amended to allow access to the FIA in the enforcement of the child protection laws, and reads as follows:

- (ii) Ensure access to information of an individual being investigated by a state or county employee who is engaged in the enforcement of the child protection laws or rules of this state.

10. PRIVATE SECURITY POLICE - WITH POWERS OF ARREST

Private Security Police Agencies meeting the powers of arrest and training requirements of Sections 29, 30 and 31 of Public Act No. 330 of P.A. 1968, as amended, and upon proper application, may be allowed access to Michigan conviction-only CHRs.

11. PUBLIC HOUSING AGENCIES

Public Law (Pub. L.) 104-120, the Housing Opportunity Program Extension Act of 1996, requires law enforcement agencies to "upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for the purposes of applicant screening, lease enforcement, and eviction."

12. PRIVATE OR PUBLIC SCHOOLS

Effective October 25, 2000, MCL 28.214, Section 4 of the LEIN Policy Council Act, was amended to allow limited LEIN access to a private or public school superintendent, principal, or assistant principal to receive vehicle registration information, of a vehicle within 1,000 feet of school property, obtained through the Law Enforcement Information Network (LEIN) by a law enforcement agency.

LEIN ACCESS AND USE BY FUNCTION

LEIN access is allowed for the specific functions listed below.

1. ADMINISTRATION OF CRIMINAL JUSTICE

Criminal history record checks that fall under the administration of criminal justice are authorized as follows:

- **Employees of a Criminal Justice Agency**

Employment in criminal justice agencies and the screening of employees of other agencies over which the criminal justice agency is required to have management control.

- **Immigration Laws**

Matters involving a violation of U.S. immigration laws including both criminal matters that can lead to criminal charges and administrative action that can lead to deportation.

Note - background checks such as those leading to eligibility for citizenship or parenting of foreign children are not considered to be within the administration of criminal justice.

- **Protective Services to Dignitaries**

Protective services pertaining to the physical protection of authorized persons (dignitaries) both foreign and domestic. This principle extends to local officials for whom protection is provided and includes record checks on personnel to be present at the site of dignitary appearances.

- **Security of Prisons**

The security of prison facilities to include, for example, record checks necessary to screen visitors, approve mail lists, and authorize vendors' access to facilities.

Note - routine record checks on personnel and random checks of visitors at noncriminal justice facilities such as airports, shipyards, military installations, and most government buildings are not considered to be within the administration of criminal justice.

2. ADOPTION, CUSTODY, AND/OR SUPPORT OF CHILDREN

The LEIN Policy Council established a policy at its October 1985 meeting that states:

Any established criminal justice agency that has as part of its responsibilities, matters of adoption, custody and/or support of children, may access LEIN for investigative information that includes CHRs as a component of carrying out its duties. Said inquiries may not be disseminated beyond the original intent of the inquiry and shall not become part of the court file. Any misuse, personal use, or dissemination would be improper use, and would subject the agency and individuals to established sanctions.

3. GAMING BACKGROUND CHECKS

Michigan only Criminal History Record inquiries may be made through a tribal or state police agency, and the Michigan Gaming Control Board for background checks on gaming employees.

4. LICENSING

Pursuant to the Governor's Executive Order 1990-10, authorized persons within an administrative agency of state government who are responsible for the enforcement and compliance with state regulated occupational or professional licenses or certificates may have CHR information. This provides Michigan-only, conviction and non-conviction data.

5. PARKING TICKETS

Parking Ticket Registration information requests by non-criminal justice agencies (such as the City Treasurer) which are a follow-up to a criminal justice action may be considered to be reasonable requests. However, code enforcement employees that do not work for a criminal justice agency are not entitled to LEIN access prior to a default on the parking violation. An employee of a criminal justice agency, such as a Parking Enforcement Officer working for the police department, has direct access to LEIN/SOS information.

6. PRIVATE BUSINESS - STATUS OF RECORD

A Law Enforcement Agency may inquire into LEIN and NCIC and report the findings as to the status of stolen serialized property to a business or individual known to the agency and administratively approved with a signed agreement.

7. PRIVATE PERSON - STATUS OF RECORD

LEIN Administrative Rule 28.5211 provides for

- (i) A private person to receive verbal information as to whether or not a warrant ordering his or her arrest has been issued by a court and entered into either LEIN or NCIC files; if he or she appears in person at a law enforcement user agency and is properly identified.

8. PROPERTY - STATUS OF RECORD

A Law Enforcement Agency may inquire into LEIN and NCIC and report the findings as to the status of stolen serialized property to a business or individual known to the agency and administratively approved with a signed agreement.

9. WEIGH-MASTERS - UNDER LAW ENFORCEMENT

The Weigh-master Officer is allowed access only when under the direct jurisdiction and control of a law enforcement agency (county under the county sheriff office and city under the local police department).

LEIN SECURITY

Significant changes in the CJIS community's telecommunications and systems architecture have occurred since the previous security policies were published. Many agencies are moving from mainframe/dedicated workstation and dedicated point-to-point lines toward client/server architecture and transmission control protocol/Internet protocol (TCP/IP) communications. There is also increased reliance upon dial-up communications, portable computers and personal communication devices. The CJIS Policy Council has approved a CJIS Security Policy that includes interface specifications, personnel security requirements, and technical security requirements. The policy also includes minimum standards for encryption and firewalls.

MINIMAL SECURITY MEASURES

The following are minimal security measures that must be adopted by agencies authorized to access LEIN and its related computer systems:

- **PROPER USE**

A LEIN terminal agency or a satellite computer system interfaced to LEIN shall establish adequate physical security measures to protect against any unauthorized personnel gaining access to LEIN data. To insure that LEIN and NCIC data is properly used and/or disseminated and to facilitate audit and investigative functions, the LEIN rules require that the terminal operator's name, the name of the requester and the identity of his/her agency be included on all LEIN and National Crime Information Center (NCIC) inquiries.

- **NETWORK/SECURITY COORDINATOR**

Each terminal agency shall designate an individual to act as Network/Security Coordinator who shall be the single point of contact between MSP and the agency on Network Security issues. This person shall be responsible for reporting security violations, coordinate start-up and upgrades to the network and applications, distribute training manuals and other publications to agency users, and prepare/submit agency security plan to CJIS Policy Council for approval.

- **PERSONNEL**

Personnel authorized to operate terminals or any other equipment, which accesses LEIN shall be thoroughly screened through both the state and Federal systems. New operators must attend a LEIN Basic class within the first six months of assignment.

- **VISITORS**

All visitors to the LEIN computer center or to satellite computer systems interfaced to LEIN shall be accompanied by appropriate staff personnel at all times.

- **COMPUTER SYSTEMS**

Computer systems having access to LEIN must have appropriate computer programming instructions written and other built-in controls to prevent LEIN data from being accessible to any terminal other than authorized criminal justice terminals.

Computers having access to LEIN must maintain a record of all transactions against the criminal history and other files of LEIN and NCIC in a similar manner as these systems log such transactions. Satellite computer systems linked to LEIN shall assume responsibility for system security with regard to all agencies, which they service.

- **TERMINALS**

Terminals and any other equipment, which is authorized access to LEIN shall be placed in physically secure locations within the authorized agency.

- **COPIES**

Copies of criminal history record information received from LEIN or NCIC shall be afforded security to prevent unauthorized access to or use of that data. Copies of LEIN printouts or unneeded LEIN printouts must be disposed of in such a manner as to assure confidentiality.

- **POLICY CONTRACT**

Each LEIN user agency is required to sign a written contract with the CJIS Policy Council and the Department of State Police agreeing to conform to system policies.

- **RESPONSIBILITIES**

It is the responsibility of the individual agencies for confidentiality of criminal justice information. Any departure from these responsibilities warrants the removal of the offending terminal from further system participation in order to protect all other users.

- **FACSIMILE USE**

The LEIN Policy Council established guidelines for the sending of LEIN obtained information via a facsimile (FAX) machine. These guidelines are as follows:

- The receiving agency must be notified by the sender prior to transmission.
- Information should only be sent to a staffed receiver.
- A recognition of receipt is to be returned to the sender.
- The sender is ultimately responsible for the security of the facsimile information.

SECURITY COMPLIANCE

Michigan must adhere to the provisions of the NCIC Security Policy, NCIC procedures and policies, and Title 28 of the Code of Federal Regulations which relates to the “collecting, storing, or disseminating” of computerized criminal history information.

DATA CENTER CONSOLIDATION

The departments of State Police and Management and Budget have consolidated the MSP Criminal Justice Data Center mainframe computer into the Michigan Information Processing Center (MIPC) which moved all LEIN files and the LEIN network to MIPC. A separate computer has been installed at MIPC for all MSP files including LEIN. Only MSP applications will be processed on this mainframe. MIPC staff will have responsibility to provide physical security and safeguards for LEIN data.

LEIN VIOLATIONS

The CJIS Policy Council requires agencies to investigate all allegations of LEIN violations and reviews the actions taken by the agencies. The LEIN Field Services Section is responsible for auditing all LEIN terminal agencies biennially for compliance to LEIN rules and polices as well as the National Crime Information Center (NCIC) policies.

The LEIN Act states:

- Sec.4. (2) A person shall not disclose information from the law enforcement information network to a private entity for any purpose, including, but not limited to, the enforcement of child support programs.
- (3) A person shall not disclose information from the law enforcement information network in a manner that is not authorized by law or rule.
- (4) A person who violates subsection (2) or (3) is:
 - (a) For a first offense, guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

Sec. 5. The council may remove terminals if the agency or entity controlling the terminal fails to comply with the established policies or promulgated rules of the council.