

**Unauthorized Access/Misuse of Information
(Alleged Violations) of the
Law Enforcement Information Network**

Section 305. *The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.*

Pursuant to PA 163 of 2010, Section 305, the following summary report identifies alleged violations of the Law Enforcement Information Network (LEIN) as processed by the Michigan State Police, Criminal Justice Information Center, LEIN Field Services Section (LFSS), from January 1, 2010 through December 31, 2010.

Number of New Cases Opened in 2010	115
Cases Closed as Unfounded	39
Cases Closed as No Violation	14
Cases Closed as Violation	46
Cases Closed as Noncompliant with Rules	4
Cases Closed as Unsatisfactory Audit	2
Subpoenas/Court Orders Processed	14
Officers Reported to MCOLES	28
Prosecutions	2
Suspension/Removal of LEIN Access	5

Upon receipt of a complaint for a potential violation of unauthorized access, dissemination, or misuse of information obtained from the LEIN, the LFSS makes an inquiry into the LEIN historical records for any query that matches the specified information contained in the complainant’s statement. If no information is found, the complaint is deemed unfounded, and the complainant is informed through a letter.

When information is identified in the LEIN historical records as specified in the complainant’s statement, a letter is sent to the person in charge of the agency responsible for the LEIN query, requesting an investigation and response to the CJIS Systems Officer (CSO), who is currently Ms. Dawn Brinningstaull, the Director of the Criminal Justice Information Center. Agencies are expected to comply with a 90-day deadline for reporting. If the agency is unable to complete its investigation in the allotted time, the agency may request an extension of the time limit.

The information identified during the agency's investigation is reviewed by the staff of the LFSS. The LFSS then makes a recommendation to the CSO regarding the disposition of the case. After review, if the CSO determines that the LEIN query was not in violation of the laws or rules governing LEIN, a determination of "No Violation" is made. If the CSO determines that the query did violate either rule or the law, a determination of "Violation" is made. If the person found to be in violation of LEIN laws or rules is a Michigan Commission on Law Enforcement Standards (MCOLES) certified law enforcement officer, and the CSO closed the complaint with a finding of "Violation," the officer is referred to MCOLES.

When an investigation produces information that a violation may have occurred, agencies must refer all such cases to the county prosecutor for review. In 2010, two cases resulted in charges being sought by the county prosecutor. In one case, the officer was convicted of two counts of misuse of LEIN; in the other case, the officer pled guilty to misuse of LEIN.